

**DISPROPORTIONATE MINORITY CONFINEMENT (DMC)
ANALYSIS**

STAGE TWO FINAL REPORT

Submitted to:

**Executive Office of Public Safety
Division of Programs
Governor's Juvenile Justice Advisory Committee**

Submitted by:

**Michael W. Forcier, Ph.D.
Marc R. Berube, B.A.
Beverly C. Sealey, Ph.D.
Kevin W. Smith, M.A.**

**Social Science Research and Evaluation, Inc.
121 Middlesex Turnpike
Burlington, MA 01803
617-270-6613**

April 1996

ACKNOWLEDGEMENTS

SSRE would like to gratefully acknowledge the following individuals and agencies for their assistance in conducting phase II of this study and preparing this report. This list is not meant to be exhaustive, and we apologize in advance for any omissions.

- Honorable Francis G. Poitras, Chief Justice of the Juvenile Court Department.
- Honorable Samuel E. Zoll, Chief Justice of the District Court Department.
- Jonathan M. Petuchowski, Executive Director, Executive Office of Public Safety, Programs Division.
- Lynn Wright, Juvenile Justice Specialist, Executive Office of Public Safety, Programs Division.
- Juvenile Justice Advisory Committee.
- Scott Taberner, Assistant Commissioner, Department of Youth Services.
- Emily Cornelissen, Research Analyst, Department of Youth Services.
- Jerry Leone, Director of District Court, Middlesex County.
- The following Chief/Assistant Probation Officers, and their staff, representing the courts targeted for interviewing youth probationers: Ayer District - Jim Kazeniac; Boston Juvenile - Joe O'Reilly, Kathy Costello, and Daniel Passacantilli; Concord District - Ardythe Smith and Edwin Gaffey; Roxbury District - Randy Haynes and Wilbur Brown; Springfield Juvenile - Raymond Crowley and Denise Marie Gore; and Worcester Juvenile - Tom Barouk.
- The staff members of the following participating DYS programs selected for interviewing DYS youth: Boston Secure Treatment, Casa Isla, CHD Secure Treatment, Connelly Detention, Connelly Treatment, Coolidge School, Delaney School, Grafton Secure Treatment, Hadley Assessment, Hillside Shelter Care, JRI Butler, JRI Evaluation, Littleton School for Girls, Our House, Pilgrim Center, Plymouth Secure Treatment, RFK in Westboro, Rotenburg School for Girls, Springfield Shortterm Secure, and Westboro Secure Treatment.
- Our research assistants who helped assist in the project's data collection: Daniel Schmidlin, Lisette Lahanna, Michael Assinas, Jeff Butts, and Arthur Morgan.

TABLE OF CONTENTS

INTRODUCTION	1
PROJECT BACKGROUND	2
Summary of Stage 1 Results and Recommendations	2
LITERATURE REVIEW	5
ARE MINORITY YOUTH OVERREPRESENTED?	5
CAN MINORITY OVERREPRESENTATION BE EXPLAINED BY DIFFERENCES IN THE INCIDENCE OF DELINQUENT BEHAVIOR?	6
CAN MINORITY OVERREPRESENTATION BE EXPLAINED BY DIFFERENTIAL HANDLING?	7
Connecticut	9
Florida	9
Georgia	9
Iowa	10
Missouri	10
Pennsylvania	10
RESEARCH NEEDS	10
METHODS	13
SURVEY OF PRACTITIONERS	13
Sampling Procedures	13
Police Officers	13
Probation Officers and Judges	14
Prosecutors	14
DYS Staff	14
INTERVIEWS WITH YOUTH	14
Probation Interviews	15
DYS Juvenile Interviews	16
REVIEW OF THREE DATA SETS:	
DETENTION, COMMITMENT, AND COURT	16
RESULTS: SURVEY OF SYSTEM PRACTITIONERS	17
RESPONDENT CHARACTERISTICS	17
RESULTS	20
Treatment of Juveniles and Their Families	20
Do you think that racial/ethnic jokes or demeaning comments are made about minority juveniles less often, equally often, or more often than white juveniles?	20
Do you think that minority youth and their families typically receive much less, somewhat less, the same amount of, somewhat more, or much more respect than white youth and their families?	20
How often do you think minority juveniles are addressed in a patronizing manner?	20
Do you think that police officers are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles?	21
Do you think prosecutors are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles?	21

TABLE OF CONTENTS

Do you think judges are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles?	22
Do you think probation officers are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles?	22
Do you think D.Y.S. officials are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles?	22
How often is higher bail set for minority juveniles than for white juveniles accused of similar crimes?	23
When minority juveniles and white juveniles commit similar crimes, minority juveniles are held on bail less often, equally often, or more often than white juveniles?	23
How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is white?	24
How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is a minority?	24
Do you think prosecutors overcharge minority juveniles less often, equally often, or more often than white juveniles?	25
With regard to criminal justice processing, do you think that minority juveniles receive less severe, equal, or more severe processing than white juveniles?	25
Do you think that minority juveniles usually receive less severe, equal, or more severe punishment than white juveniles?	25
How often is detainment after arrest longer for minority juveniles than for white juveniles accused of similar crimes?	26
Do you think that the legal representation that minority juveniles receive is usually worse than, equal to, or better than that of white juveniles?	26
Do you think that minority juveniles whose parents are professionals usually receive treatment by system practitioners that is less lenient, equal to, or more lenient than that of white juveniles whose parents are professionals?	26
How often is a case involving a minority juvenile heard in a courtroom in which most of the professionals are white?	27
How often do minority juveniles receive longer sentences than white juveniles, when both are convicted of the exact same crime?	27
How often do you think convicted minority juveniles are placed in secure facilities compared to convicted white juveniles?	27
Do you think minority juveniles commit less serious, the same types, or more serious crimes than white juveniles?	28
How often do you fear minority youth more than white youth?	28
Do you think minority youth are more threatening to society in general than their white counterpart?	28
Do you feel that minority youth are treated worse than white youth in the juvenile justice system?	29

TABLE OF CONTENTS

RESULTS: JUVENILE PROBATION INTERVIEWS	30
RESPONDENT CHARACTERISTICS	30
RESULTS: GENERAL	31
Treatment of All Youth by Police and Court Staff	31
Would you say that police officers treat all kids they stop the same or treat some kids better than others?	31
Would you say that probation officers treat all kids the same or treat some kids better than others?	32
Would you say that lawyers treat all kids the same or treat some kids better than others?	32
Would you say that prosecutors treat all kids the same or treat some kids better than others?	32
Would you say that judges treat all kids the same or treat some kids better than others?	32
Personal Treatment by Police and Court Staff	33
Do you feel that the police officers you have dealt with were fair in how they treated you or were not fair in how they treated you?	33
Do you feel that the court staff were fair in how they treated you or were not fair in how they treated you?	33
RESULTS: RACE-SPECIFIC	33
Treatment of Different Racial Populations by Police and Court Staff	33
Generally, would you say that the police usually treat African-American, Asian, Hispanic, and White juveniles the same or differently?	33
Generally, would you say that the courts usually treat African-American, Asian, Hispanic, and White juveniles the same or differently?	34
Generally, do you think that police officers are most likely to arrest African-American, Asian, Hispanic, or White juveniles?	34
Who do you feel police are more likely to detain for longer periods of time after arrest: African-American, Asian, Hispanic, or White juveniles?	35
Overall, would you say that the courts give more severe placements and punishments to African-American, Asian, Hispanic, or White juveniles?	35
For whom do you feel judges are more likely to set higher bail when similar offenses are committed: African-American, Asian, Hispanic, or White juveniles?	35
RESULTS: DYS JUVENILE INTERVIEWS	36
RESPONDENT CHARACTERISTICS	36
RESULTS: GENERAL	37
Treatment of All Youth by Police, Court Staff, and DYS	38
Would you say that police officers treat all kids they stop the same or treat some kids better than others?	38
Would you say that probation officers treat all kids the same or treat some kids better than others?	39
Would you say that lawyers treat all kids the same or treat some kids	

TABLE OF CONTENTS

better than others?	39
Would you say that prosecutors treat all kids the same or treat some kids better than others?	39
Would you say that judges treat all kids the same or treat some kids better than others?	39
Personal Treatment by Police, Court, and DYS Staff	40
Would you say that DYS staff treat all kids the same or treat some kids better than others?	40
Do you feel that the police officers you have dealt with were fair in how they treated you or were not fair in how they treated you?	40
Do you feel that the court staff have been fair in how they treated you or were not fair in how they treated you?	40
Do you feel that DYS staff have been fair in how they treated you or were not fair in how they treated you?	40
RESULTS: RACE-SPECIFIC	41
Treatment of Different Racial Populations by Police, Court, and DYS Staff	41
Do the police treat African-American, Asian, Hispanic, and White juveniles the same or differently?	41
Do the courts treat African-American, Asian, Hispanic, and White juveniles the same or differently?	41
Do DYS staff treat African-American, Asian, Hispanic, and White juveniles the same or differently?	42
Generally, do you think that police officers are most likely to arrest African-American, Asian, Hispanic, or White youth, or does one's race not matter?	42
Who do you feel police are more likely to detain for longer periods of time after arrest: African-American, Asian, Hispanic, or White youth, or does one's race not matter?	43
Overall, would you say that the courts give more severe placements and punishments to: African-American, Asian, Hispanic, or White youth, or does one's race not matter?	43
For whom do you feel judges are more likely to set higher bail when similar offenses are committed: African-American, Asian, Hispanic, or White youth, or does one's race not matter?	43
Who do you feel DYS officials are more likely to place in secure versus nonsecure correctional facilities: African-American, Asian, Hispanic, or White youth, or does one's race not matter?	43
Personal Experience at the Department of Youth Services	43
How would you rate your stay at DYS?	43
DYS DETENTION DATA	45
RESULTS: COURT DATA – JUVENILES ADJUDICATED DELINQUENT	48
RESULTS: DYS COMMITMENT DATA – ANALYSES OF PLACEMENT IN SECURE TREATMENT FACILITIES	50

TABLE OF CONTENTS

SUMMARY OF RESULTS	52
SURVEY OF JUVENILE JUSTICE SYSTEM PRACTITIONERS	52
INTERVIEWS WITH JUVENILE PROBATION AND DYS YOUTH	52
ANALYSES OF DYS DETENTION DATA	53
ANALYSES OF COURT DATA ON JUVENILES	
ADJUDICATED DELINQUENT	54
ANALYSIS OF DYS COMMITMENT DATA	55
CONCLUSIONS	56
RECOMMENDATIONS	59
DEVOTE INCREASED ATTENTION TOWARD THE ROLE OF THE POLICE	
IN THE ARREST AND DETENTION DECISION	59
COMMUNITY FORUMS ON POLICE–YOUTH INTERACTIONS	60
IMPROVE THE QUALITY OF JUVENILE JUSTICE SYSTEM DATA AND	
ESTABLISH A CLIENT TRACKING SYSTEM	60
INCREASE THE PRESENCE OF BI-LINGUAL STAFF WITHIN THE	
DEPARTMENT OF YOUTH SERVICES	61
INVESTIGATE CONDITIONS OF CONFINEMENT OF DETAINED AND	
COMMITTED YOUTH	61
CONVENE A SYMPOSIUM TO DISCUSS RESULTS OF	
THE DMC ANALYSIS	62
DEVOTE INCREASED RESOURCES TO ADDRESSING THE PROBLEM OF	
NON-COMPLIANCE WITH JUVENILE LOCK-UP LEGISLATION	62
DEVELOP A STANDARIZED OBJECTIVE CLASSIFICATION INSTRUMENT	
FOR MAKING LOCK-UP/DETENTION DECISIONS	63
REFERENCES	64
APPENDIX A:	Survey of Practitioners
APPENDIX B:	Cover Letter for Survey of Practitioners
APPENDIX C:	Probation Interview Guide
APPENDIX D:	DYS Interview Guide
APPENDIX E:	Cover Letter and Informed Consent Form for Probation Juveniles
APPENDIX F:	Cover Letter and Informed Consent Form for DYS Juveniles
APPENDIX G:	Offense Severity Table
APPENDIX H:	Open-Ended Responses Provided by Probation Juveniles
APPENDIX I:	Open-Ended Responses Provided by DYS Juveniles

LIST OF TABLES

TABLES

TABLE 1:	Practitioner Surveys by Respondent Group	13
TABLE 2:	Characteristics of Practitioner Respondents	18
TABLE 3:	Are System Practitioners Less, Equally, or More Courteous to Minority Juveniles Than White Juveniles?	23
TABLE 4:	Juvenile Probation Interviews by Court, Race, and Gender . .	30
TABLE 5:	Probation Juveniles: Treatment of All Youth by Police	31
TABLE 6:	Probation Juveniles: Treatment of All Youth by Court Staff . .	32
TABLE 7:	Probation Juveniles: Personal Treatment by Police and Court Staff	33
TABLE 8:	Probation Juveniles: Treatment of Different Racial Populations by Police and Courts	34
TABLE 9:	DYS Youth Interviewed by Placement and Race	37
TABLE 10:	DYS Juveniles: Treatment of All Youth by Police	38
TABLE 11:	DYS Juveniles: Treatment of All Youth by Court Staff	39
TABLE 12:	DYS Juveniles: Treatment of All Youth by DYS Staff	40
TABLE 13:	DYS Juveniles: Personal Treatment by Police, Court, and DYS Staff	41
TABLE 14:	DYS Juveniles: Treatment of Different Racial Populations by Police, Court, and DYS Staff	42
TABLE 15:	DYS Juveniles: "How Would You Rate Your Stay at DYS?" .	44
TABLE 16:	Placement Status During Detention by Race/Ethnicity and Gender	45
TABLE 17:	Placement Status After Detention by Race/Ethnicity and Gender	46
TABLE 18:	Percentage of Juveniles Adjudicated Delinquent	49
TABLE 19:	Percentage of Juveniles Assigned to Secure Treatment Facilities (Male Juveniles Only)	50

INTRODUCTION

This report presents results for the final stage of a Disproportionate Minority Confinement (DMC) Analysis, a study Congressionally-mandated under the 1988 amendment to the Juvenile Justice and Delinquency Prevention Act of 1974. The 1988 amendment to the JJDPa mandated each state to evaluate and address the problem of the overrepresentation of minority youth in secure facilities in order to be eligible for their full allocation of federal dollars under the JJDPa. Specifically, the JJDPa requires states to:

- Demonstrate whether minority youth are overrepresented in secure facilities in comparison to their rate of representation in the at-risk general population.
- If overrepresentation is found to be present, determine those causal factors in the processing of juvenile offenders which explain or account for overrepresentation (e.g., arrest, intake, adjudication, and/ or disposition).
- Provide recommendations and develop a strategy for addressing disproportionate confinement, disparate processing, and other racial inequalities in the treatment of juvenile offenders.

The DMC legislative requirements have been characterized as consisting of four stages (Leiber undated:2-3). Stage 1 is the Identification Stage and is focused on whether or not disproportionate confinement of minority juveniles exists.

Stage 2 is the Assessment Stage which examines the causal factors or reasons which explain or account for the presence of any overrepresentation identified in the Identification Stage. In effect, Stage 2 examines the relationship between a variety of the juvenile's social, familial, and delinquent history variables and disproportionate confinement and disparate treatment.

Stage 3 is the Intervention Stage and is focused on utilizing results from Stages 1 and 2 (Identification and Assessment) to recommend specific intervention, programs, and remedial strategies for reducing minority overrepresentation. These could include recommending certain policies, decision-making criteria, services and programs (e.g., prevention, diversion, reintegration), training, staffing, and management/client information systems.

Finally, Stage 4 is the Monitoring Stage, which has as its central component, the evaluation of Stage 3 interventions. This stage views DMC as a systematic and continuous process in need of continuous and systematic longitudinal tracking of overrepresentation.

The Commonwealth of Massachusetts completed the Identification Stage in September of 1995. This report presents results for the Assessment and Intervention Stages of the Disproportionate Minority Confinement Analysis. The Monitoring Stage will commence with the implementation of those remedial strategies and recommendations presented in this report.

PROJECT BACKGROUND

In April 1995, the Executive Office of Public Safety (EOPS), Division of Programs, issued a request for proposals to conduct the Disproportionate Minority Confinement Analysis. Social Science Research and Evaluation, Inc. (SSRE) of Burlington, Massachusetts was awarded the contract to conduct the analysis. The project began on May 15, 1995 and concluded on September 15, 1995 with the submission by SSRE of a final report titled ***Disproportionate Minority Confinement (DMC) Analysis: Stage 1 Final Report***. Because of the tight time constraints of that project, it was decided by EOPS staff, the OJJDP Project Officer, and SSRE that the first phase of the project would be focused on completing the basic requirements for the continuation of OJJDP funding, namely, the (Stage 1) Identification Stage. In addition, SSRE was asked by EOPS to undertake an analysis of OJJDP incidents of non-compliance versus compliance with law pertaining to juveniles in lock-up. A brief review of selected Stage 1 results and recommendations is presented below. Readers interested in more detailed findings, conclusions, and recommendations are referred to the full report.

Summary of Stage 1 Results and Recommendations

The 1993 data presented in the Stage 1 report revealed evidence of considerable overrepresentation of African-American and Latino/Hispanic youth in the Massachusetts juvenile justice system. This overrepresentation was found to occur from the point of arrest through the point of confinement. The results were true for statewide figures as well as the four counties studied (Suffolk, Middlesex, Hampden, Worcester). For example:

- Although African-Americans comprise only 6% of the state's 10-16 year old population, they comprise 27.2% of those arrested; African-Americans are slightly overrepresented for status offenses and highly overrepresented in arrests for delinquent offenses; Whites were slightly overrepresented among status offense arrests and slightly underrepresented among delinquent offense arrests; Asians were underrepresented among arrests for both status and delinquent offenses.
- African-American and Latino/Hispanic juveniles were placed in adult lockup at a rate almost three times as often as their representation in the general population would indicate; by contrast, Whites were underrepresented in adult lockup.
- African-Americans, comprising 6% of the state's juvenile population, represent 36% of those in secure juvenile detention, while Latino/Hispanic juveniles (7.6% of the population) were 16.1% of those placed in secure juvenile detention. By contrast, Whites were underrepresented in secure juvenile detention.
- African-American and Latino/Hispanic juveniles were also overrepresented in secure juvenile correction facilities, while Whites were underrepresented.
- Juveniles transferred to adult court seemed to be used exclusively for minorities, as 13 out of 15 youth transferred were minority – African-American, Latino/Hispanic, and Asian youth were all overrepresented.

- Although the numbers are small, African-Americans and Latino/Hispanics were slightly overrepresented among youth diverted after the point of arrest from further involvement with the juvenile justice system in Suffolk County.
- 4 of the 5 juveniles placed in adult jails or prisons in 1993 were minority (and 2 of these 4 were Latino/Hispanic).
- African-American and Latino/Hispanic juveniles were more likely to be overrepresented among those detained in more secure/restrictive (both secure and non-secure) statuses and facilities. By contrast, Whites were overrepresented among those detained in their own homes and underrepresented in those detained in nonsecure and secure facilities; Asians were overrepresented in non-secure detention.
- African-American and Latino/Hispanic youth were overrepresented in a four county (Hampden, Middlesex, Suffolk, and Worcester) sample of arraignments, while Asians and Whites were substantially underrepresented.
- African-American and Latino/Hispanic youth were overrepresented among those adjudicated delinquent in a four county sample, while Asians and Whites were underrepresented.
- African-Americans were overrepresented among those placed on probation, while Whites and Asians were underrepresented; Latino/Hispanic youth were overrepresented in each type of judicial disposition, especially among the most severe disposition type, which was a commitment to the Department of Youth Services.
- African-Americans and Latino/Hispanics were overrepresented among those committed to both state secure and non-secure DYS facilities while Whites and Asians were underrepresented.
- Statewide, there was substantial evidence of non-compliance with legislation stipulating conditions for the detainment of juveniles in lockup with 33% non-compliance for all minorities and 38% non-compliance for Whites.

On the basis of the Stage 1 Identification findings, the following recommendations were presented to the Commonwealth and OJJDP:

- Conduct a comprehensive analysis to determine: (a) if differences exist in how African-American, Latino/Hispanic, Asian/Pacific Islander, and White juveniles charged with or adjudicated for similar offenses are processed by the system; and, (b) which, if any, of the observed disparities remain when controlling for social and legal variables.
- Conduct in-depth, one-on-one interviews with African-American, Latino/Hispanic, Asian/Pacific Islander, and White juveniles committed to DYS correctional facilities to explore their opinions of whether disparities exist in the system's processing and

treatment of themselves and minority youth by the police, courts, and juvenile corrections.

- Conduct in-depth, one-on-one interviews (or a survey) with system practitioners (i.e., police officers, probation officers, judges, prosecutors, and DYS staff) to obtain their impressions of whether racial disparities exist in the system's treatment of minority youth.
- Closely examine both the quantitative and qualitative data gathered throughout the study to develop a series of recommendations and remedial strategies for addressing and reducing the problem of the disparate treatment of minority juveniles.

On the basis of these findings and recommendations, the EOPS awarded a second contract to SSRE in order to conduct the Assessment Stage and Intervention Stage research activities. This contract was awarded in November 1995 with a targeted completion date of April 30, 1996. This report presents the results of those research activities along with recommendations and remedial strategies for both future research, interventions, and program monitoring. In the next section of this report, we briefly review the existing research literature on disproportionate confinement of minority juveniles. This is followed by a presentation of the results from the present study. The final sections of the report present conclusions and recommendations based on the study findings.

LITERATURE REVIEW

Although in its early stages, research into the extent of overrepresentation of minority youth in the juvenile justice system has generally focused on the following three issues.

- The presence of the overrepresentation of minority youth in the juvenile justice system.
- The extent to which overrepresentation accurately reflects differences in participation in delinquent activities across racial groups.
- The role that differential processing of minority and White youth plays in moving a disproportionate number of minority youth moving through the system.

A summary of those studies conducted to date indicates three major findings with respect to these issues. First, racial and ethnic minorities *are* often overrepresented in the juvenile justice system. Second, this overrepresentation *can not* be explained by differences in delinquent behavior across racial and ethnic groups. Third, the role of race in the processing of minority versus White youth appears to vary by the offense type, the decision point within the system, and location within the state. We discuss each of these research issues separately below.

ARE MINORITY YOUTH OVERREPRESENTED?

Research studies to date have consistently shown that when compared to their proportion in the U.S. juvenile population, minority youth *are* overrepresented in the juvenile justice system. Thus, a 1990 report by The National Council of Juvenile and Family Court Judges concluded:

There is factual data to support the premise that minority youth are overrepresented in the juvenile justice system. Further, the data suggest a trend that minority youth have an increasingly greater chance of becoming even more overrepresented as they progress through the juvenile justice system (The National Council of Juvenile and Family Court Judges, 1990:XV).

Similarly, in their review of the literature, Austin, Dimas, and Steinhart (191:23) concluded:

There is broad agreement in the literature that minority adolescents are over-represented in all stages of the juvenile justice system as compared to their numbers in the general population.

Finally, using data from the 1982 "Children in Custody Survey," Krisberg et al. compared data on all youth in public juvenile correctional facilities across the United States to Census data. Finding that 50% of all youth in such facilities were either Black (38%) or Hispanic (12%), while 47% were White, they concluded that Black males were overrepresented in incarceration rates by 179%, and Hispanic males by 86%.

More recent (1992) national data indicate that African-American juveniles were involved in a disproportionate number of delinquency cases and referred to juvenile court at a rate more than double that of White juveniles. Specifically, the delinquency case rate (delinquency cases per 1,000 juveniles ages 10-upper age) was 114.2 for African-Americans and 44.9 for White juveniles (Office of Juvenile Justice and Delinquency Prevention, 1995). Similarly, cases involving African-American youth had the greatest likelihood of detention. Thus, although African-American youth comprise 31% of delinquency cases processed in 1992, they were involved in 39% of delinquency cases which were detained (Office of Juvenile Justice and Delinquency Prevention, 1995). Finally, while the White juvenile population in long-term custody declined between 1983 and 1991, the minority custody population rose during this same time period. The 1991 public long-term custody rate for African-Americans was 424 per 100,000 African-American juveniles in the population, a custody rate nearly 5 times the rate for White juveniles (Office of Juvenile Justice and Delinquency Prevention, 1995).

CAN MINORITY OVERREPRESENTATION BE EXPLAINED BY DIFFERENCES IN THE INCIDENCE OF DELINQUENT BEHAVIOR?

A fundamental research dilemma in this area is whether the overrepresentation of minority youth in the juvenile justice system is due to system bias or greater and more severe delinquency on the part of minority youth. Skeptics of official statistics as reliable measures of (delinquent) behavior have argued that such behavior is better explained by system processing decision than by actual (delinquent) behavior. These researchers have argued, for example, that the police decision to arrest and refer a youth to court contributes more to minority overrepresentation than actual behavior.

Researchers have also argued that rather than comparing official police and court records by race, it is better to use self-report surveys. These surveys ask youth to complete a confidential questionnaire indicating their personal involvement in various types of criminal offenses. One of the most frequently cited self-report studies is the National Youth Survey (NYS), a longitudinal study of delinquent behavior, alcohol, and drug use. The NYS used a sample of representative 11-17 year olds across the continental United States in face-to-face interviews each year from 1976-1983. With federally-certified confidentiality, the NYS asked respondents how often they had committed each of 47 different offenses during the preceding year.

The NYS findings differ from official statistics and public perceptions about youthful minority involvement in delinquency. But, the findings are similar to other large-scale self-report studies of delinquency (Gold and Reimer, 1975; Elliot and Voss, 1974; Williams and Gold, 1972; Bachman et al., 1987). As Huizinga and Elliott, (1987:221) concluded:

A summary of the findings would suggest that differences in incarceration rates among racial groups cannot be explained by differences in offense behavior among these groups. The assertion that differential incarceration rates stem directly from differences in delinquency involvement is not supported by these analyses.

The same authors suggest that:

If differences in delinquent behavior do not explain the differential in incarceration rates, then differences in official responses to offenders/offenses (that is, arrest rates, rates of referral to juvenile court, and court processing) would seem as likely candidates to explore as major determinants of the differential in incarceration rates.

CAN MINORITY OVERREPRESENTATION BE EXPLAINED BY DIFFERENTIAL HANDLING?

An extensive literature review of 46 articles examining the issue of system processing of minority youth versus White youth conducted by Pope and Feyerherm (1993) led to the following conclusions:

- The majority of studies (two-thirds) revealed significant direct and indirect effects of race in decision-making, or at least a mixed pattern where differences occurred at *some* decision-making points but not at others for *some* offenders/offenses and not others. The same studies revealed that disproportionate treatment remained after statistical controls were introduced.
- Selection bias does exist and can occur at any stage of juvenile processing. (For example, youths facing disposition are assigned them based more on their race than on their actual offense.)
- Small differences sometimes occur at each stage of the juvenile decision-making process and eventually accumulate to become more pronounced at the end of the system.
- Those studies which have documented selection bias are as methodologically sophisticated as those that have not. In other terms, there is no relationship between the rigor of the studies conducted and the finding of disparate treatment.

Conley's (1994) study of disproportionality in a western state found that African-American youth were severely overrepresented at every stage of the juvenile justice process compared to Whites. Specifically, African-American youth were nearly twice as likely to be arrested, 5 times as likely to be referred to juvenile court, 5 times more likely to be detained, 3 times more likely to be charged, 2.5 times more likely to be adjudicated, 11 times more likely to be sentenced to secure confinement, and 7 times more likely to be confined than Whites. Hispanics were overrepresented at every stage except arrest and sentence to confinement (although Hispanics were actually about twice as likely to be confined in a juvenile correctional facility). Native American youth were also twice as likely to be detained and three times more likely to be sentenced and confined in correctional facilities. While youth of color represented 15% of the state's at-risk youth population, they were 39% of the total population admitted to state correctional facilities.

Unlike other disproportionality research which has sought to explain higher minority youth arrest rates by higher arrest rates for serious and violent crime, Conley found that the arrest stage did not account statistically for those disparities observed at other stages of the system. However, based on her interviews with minority youth, parents, and community leaders, the

stage before arrest and stage of arrest where minority youth first encounter police was the stage most often identified as being most important in producing racial disproportionality. In sum, Conley's (1994) research identified the first stage of the juvenile justice process – where minority youth encounter police – as crucial toward understanding how race matters in the disproportionality equation. Detention was concluded to be "the crucial stage that fuels disproportionality throughout the rest of the system (Conley, 1994:146)." In her words:

"It is this stage that shapes the perceptions and behaviors of youths of color toward the police, and what is recorded in the police report will continue to shape the responses of probation officers, prosecutors, judges, and correctional officers in subsequent stages. The perception of the police as to the dangerousness of the perpetrator defines what will happen to the youth. If the police perceives that the youth is not a threat, then the youth may not be arrested (Conley, 1994:144)."

These same conclusions have also been reached by other researchers of disproportionality and criminologists in general. Quoting Pivlian and Briar (1964:206), Conley (1994:144) notes: ". . . the stigmatization resulting from police apprehension, arrest, and detention actually reinforces deviant behavior." This notion of (innocent) minority youth having frequent and negative encounters with police has been said by some criminologists and labeling theorists to result in a self-fulfilling prophecy in which youth internalize a deviant label and engage in crime because that is what is expected of them by authority figures.

Wordes, Bynum, and Corley (1994) conducted a five county study in one state using 2,225 juvenile felony records from 1990. They found that African-American and Latino/Hispanic youth were more likely than White youth to: be detained independent of legal factors and offense characteristics (e.g., concurrent offenses, victim injury, weapon involved, prior offenses); be securely detained when offense characteristic variables were controlled; and, be detained even when social factors (e.g., socioeconomic status, family problems, school problems, personal problems) were considered. African-American and Latino/Hispanic youth were uniformly likely to be placed in secure detention, and this was true of the detention practices of both the police and the courts. In sum, ". . . being a youth of color had a significant and independent effect on being securely detained." (Wordes, Bynum, and Corley, 1994:162). The authors also found that being African-American was related to being charged with more serious offenses. They state:

"Hence it may be that African-American and Latino/Hispanic youth were perceived to be more serious or dangerous offenders. This perception may lead police and decision makers to base their actions on stereotypes and not on the specifics of each case."

They suggest that this is consistent with prior research that has argued that the demeanor of youth is related to race and demeanor may help account for disparate treatment by the police and the courts (Pivlian and Briar, 1964). In contemporary thinking, demeanor is also related to cultural differences between Whites and minorities to which police or judges may be unaware or unaccustomed in reaching legal decisions, such as the one to detain.

The review by Pope and Feyerherm (1993) has been supported by a number of state studies finding disparate treatment in the juvenile justice system's handling of minority and White

youth. In the section below, we highlight conclusions which have emerged from the initial round of studies responding to the OJJDP mandate.

Connecticut

The Hartstone and Richitelli (1995) study of minority juvenile overrepresentation in the state of Connecticut found that Black and Hispanic juveniles are clearly overrepresented in the juvenile justice system. They also found that overrepresentation occurred at referral to court, placement in detention, and placement in secure confinement. At several of the police decision-making points (e.g., length of time held at the police station, use of secure holding, and placement in detention), Black and Hispanic juveniles were found to receive more severe determinations.

While in some cases juvenile court data revealed no differences in court decision across race/ethnicity (or different decisions were neutralized by predictor variables), there were also court decisions where Black and/or Hispanic juveniles received more severe determinations than White juveniles which were *not* neutralized by predictor variables. Black and Hispanic juveniles received more severe placement sanctions by the Department of Children and Families than White juveniles. Finally, interviews with juvenile clients strongly indicated that many young offenders believe that the police, Juvenile Matters, and the Department of Children and Families treat minority juvenile offenders differently and more punitively than their White counterparts.

Florida

A study by Bishop and Frazier (1990:3) found disparate treatment of minorities for filing of petitions, use of secure detention, commitment to an institution, and transfer to adult courts statewide. They concluded that:

Nonwhite juveniles processed for delinquency offenses in 1987 received more severe dispositions than their White counterparts at several stages of juvenile processing. Specifically, we found that when juvenile offenders were alike in terms of age, gender, seriousness of the offense which promoted the current referral, and seriousness of their prior records, the probability of receiving the harshest disposition available at each stage of several processing stages was higher for nonwhite than for White youth.

Georgia

Lochart et al. (1991:59) studied racial disparity among male juveniles within 159 counties in the Georgia juvenile justice system. They concluded:

A different set of decision rules appears to be operating when the offender is Black than when he is White; and those boys that exit at disposition do not deserve the degree of penetration [movement as far into and through the system] relative to their counterparts who exit earlier.

Iowa

Leiber (1993) conducted a study to determine whether race and ethnicity affected court processing and outcomes in four counties in Iowa. Data were gathered on intake decisions, filing of a petition, adjudication, and judicial disposition for over a 12 year period (1980-1991). Leiber (1993:372) found that:

Although legal variables (e.g., severity of offense) were most often the most significant predictors of outcome, race/ethnic effects and gender were observed at a number of stages in each of the four counties. The race/ethnicity effect occurs typically at intake and petition, while the gender effect is present at the stage of juvenile disposition. Minorities were also more likely than Whites to receive an outcome involving placement in the state training school. This finding was present after controlling for relevant legal and extra legal factors.

Missouri

Kempf, Decker and Bing (1990:18) studied the processing of Black and White youth across eight juvenile courts in Missouri. They concluded:

Evidence exists that decision processes are systematically disadvantaging youths who are Black, female or both. They receive harsher treatment at detention, have more petitions filed "on their behalf" and are more often removed from their family and friends at disposition.

Pennsylvania

Kempf's (1992: Abstract) analysis of 20,325 White, Latino/Hispanic, and African-American juvenile cases processed by 14 juvenile courts in Pennsylvania concluded:

Results of the study suggest that juvenile justice outcomes were influenced directly by race at every stage except adjudication . . . Biased outcomes appear most clearly at early stages of the process. Cases referred to court are judged as needing more formal processing more often when minorities are involved. Minorities are also more often detained than White youths in similar situations, except among minor offenses when the reverse is true.

RESEARCH NEEDS

Conley (1994) has summarized reviews of the research on disproportionality in the juvenile justice system and notes that approximately two-thirds of existing studies identify race as an important factor, whereas one third argue that race has no effect (Pope and Feryerherm, 1992; Bridges, Deburle, and Dutton, 1991). Still, there have been mixed findings in the literature with some studies suggesting race has no effect and that legal factors are principal reasons for the decisions to detain serious juvenile offenders, and others find that minority youth are more likely to be detained even when legal factors are controlled for (Wordes, Bynum, and Corley, 1994). Still other studies have found race to be directly related to the decision to detain while

others have suggested indirect effects of race on the decision to detain in which effect of race on detention results from class bias, family relationships, and/or non-cooperative behavior (as reviewed in Wordes, Bynum, and Corley, 1994).

Although race has been found in the majority of studies to matter in terms of how the juvenile justice system processes youth at the point of arrest, detainment, trial and disposition, there is less consensus as to why race makes a difference in system processing. In short, less is known about the direct and indirect effects of variables other than race and ethnicity. While some have argued that the system itself is racist, others have invoked milder explanations such as "extralegal factors" or "selection bias" in explaining the differential treatment of minority youth (Conley, 1994). Others have argued that the disproportionate confinement and processing of minority youth is best explained by their greater involvement in more serious and violent crime as well as longer criminal histories. As Conley (1994:136) states:

Researchers should move beyond trying to settle the debate concerning whether or not race makes a difference. Instead, attempts to obtain greater understanding of the social processes involved in the construction of this problem should be undertaken. ***The question should not be whether or not race makes a difference, but how it makes a difference*** (emphasis added).

Toward that end, there have been a number of suggestions for how research could improve upon those studies which have been conducted to date. First, Conley (1994) has argued for the use of qualitative research techniques in addition to the typically used quantitative measures. Her own research in a western state utilized participant observation on encounters between police and minority youth and in-person interviews and focus groups with youth of color and Whites.

Second, Wordes, Bynum, and Corely (1994) have noted a number of methodological limitations with existing research. They have argued that too much disproportionatlity research has been focused on a single jurisdiction particularly using convenience samples from urban areas. The major limitation of this is that findings of racial disparity may be influenced by site selection. Other criticisms made by these same authors have included:

- The failure by some researchers to adequately consider social factors in the juvenile justice decision-making process.
- A simplistic conceptual model of higher rates of minority youth detention with the presence or racial disparity.
- Poor sample representativeness as evidenced trying to study detention with large numbers of misdemeanor cases that face little risk of detention.
- The substantial loss (up to two-thirds) of cases due to missing data in court records, incomplete and/or unverified information, and overall poor data quality that is due to the nature of court processing.

- A recognition of the importance of offense seriousness, but a simple dichotomous conceptualization and measurement of it in terms of felony or misdemeanor charges and consequent failure to recognize the considerable variation that exists within these large offense categories.
- An overreliance in studying detention on court data and failure to recognize the role of the police in the decision to detain as well a neglect of other decision points within the court process and overall system.

In formulating our own research approach, we have been mindful of lessons and limitations from other research and have sought to develop a design which addresses the methodological issues and shortcomings reviewed above. The next section of this report describes the research methods and design used in the present study.

METHODS

Multiple data sets and research methods were employed in the present study. These included a survey of juvenile justice system practitioners; interviews with youth on probation and in DYS; and, analyses of detention, court, and commitment data. Each of these methods and data sets are described below.

SURVEY OF PRACTITIONERS

In order to obtain the perceptions of juvenile justice system practitioners about racially disparate processing and treatment of youthful offenders, a self-administered survey was developed and sent to a sample of police officers, probation officers, prosecutors, judges, and Department of Youth Services Staff. Originally, the researchers had contemplated in-person interviews with 100 system practitioners but the tight time constraints of the project rendered this unfeasible. A 41-item self administered survey was devised with questions exploring practitioner experiences and procedures when handling juveniles as well as their perceptions of system bias (see Appendix A for a copy of the Survey of Practitioners and Appendix B for a copy of the cover letter that accompanied the survey).

A total of 325 surveys were mailed to respondents and 193 were returned for an overall response rate of 59%. Two weeks after the initial mailing, a postcard follow-up was sent to those who had not returned surveys asking them to return a completed survey as soon as they could. The number of surveys mailed to and rate of return for each group may be found in Table 1 below.

Table 1:
Practitioner Surveys by Respondent Group

Practitioner Group	Number Mailed	Number Returned	Response Rate
Police Officers	61	41	67%
Probation Officers	110	58	53%
Prosecutors	23	11	48%
Judges	30	17	57%
DYS Staff	101	66	65%
TOTAL	325	193	59%

Sampling Procedures

By group, the following sampling procedures were employed.

Police Officers. A list of names of Police Contact Persons was obtained from the 1993 Juvenile Lock-Up Dockets that were completed and submitted to the state on juveniles placed in a locked area during a particular month. Every police department in the state is required to

complete and submit these docket forms to the Executive Office of Public Safety on a monthly basis. We received docket forms from towns/cities in Middlesex County, Hampden County, Suffolk County (only the Revere Police Department), and Worcester County. The vast majority of sample respondent names were randomly selected from these dockets, while a few of the police departments throughout the state were randomly called to obtain names of juvenile police officers. A total of 61 surveys were sent to police contacts and 41 returned for a response rate of 67%.

Probation Officers and Judges. Directories listing probation officers and judges were obtained from the three juvenile courts included in the first phase of the study (i.e., Worcester, Boston, and Springfield). Surveys were sent to all judges and probation officers at these courts. In addition to these names, surveys were sent to some of the probation officers and judges in district courts with juveniles sessions that were included in the first phase of the study (i.e., Woburn, Charlestown, Concord, Roxbury, Dorchester, Ayer, and Cambridge). A total of 110 surveys were sent to probation officers and 58 were returned for a response rate of 53%. A total of 30 surveys were sent to judges and 17 returned for a response rate of 57%.

Prosecutors. Prosecutors in the Middlesex County District Attorney's Office and the Suffolk County District Attorney's Office were sent surveys. A total of ten surveys were sent to the Director of the Middlesex DA's Office for distribution to prosecutors within the office. Ten surveys were also sent to a Prosecutor in charge of the gang unit at the Suffolk DA's Office but none were returned. Three additional surveys were originally sent to the District Attorney's in Middlesex, Norfolk, and Suffolk County. A total of 23 surveys were sent to prosecutors and 11 were returned for a response rate of 48%.

DYS Staff. Surveys were sent to those DYS caseworkers who had youth on their caseload who were to be included in our interviews (described below). A total of 72 surveys were sent to DYS caseworkers. The sample of caseworkers and DYS youth was generated by the Office of the Assistant Commissioner at DYS. The majority of the surveys were sent to caseworkers working in the DYS Western, Northeast, Central, and Metropolitan areas. Furthermore, 29 surveys were sent throughout the state to DYS Directors in charge of some type of secure detention/treatment program. These DYS Directors were obtained from a DYS directory of programs throughout the state. A total of 101 surveys were sent to DYS staff and 66 returned for a response rate of 65%.

INTERVIEWS WITH YOUTH

In order to address questions that were not raised in the Identification Stage of the study, a series of face-to-face, in-depth interviews were conducted with youth who were either sanctioned to probation or committed to the state's Department of Youth Services (DYS). The primary objectives of these interviews were to determine if juvenile offenders felt that race/ethnicity impacted how they and other youth were treated by the system, and if so, how. Juvenile probationers were asked about their experiences with the police and courts, whereas youth committed to DYS were asked questions about each phase of the system (i.e. police, courts, and DYS). These two phases of the system were selected as separate interviewing points because we wanted to determine if youth who were formally processed through the entire system would be more angry or apt to express differential handling by the system than

those who only came into contact with the first two components of the system (i.e. police and the courts).

A total of 109 interviews were conducted with probationers and residents confined in either secure or nonsecure DYS facilities. Forty-eight of the study respondents were interviewed at the probation level, 45 were confined in a DYS secure setting, and 16 were residing in some kind of community-based nonsecure program or at home with parents with DYS outreach and tracking. For analysis, secure and nonsecure placements were analyzed as an aggregate since just about every youth interviewed at the nonsecure level spent some time in a secure setting. Separate semi-structured interview instruments were developed for probation and DYS youth. The only difference between the two were that DYS residents were subjected to questions about DYS and probation youth were not. The basic format of the interview guides was to first focus on questions that did not mention anything about race/ethnicity, but rather focus on system processing (i.e. police, courts, DYS). These types of questions were asked first to avoid any possible "leading" of study respondents. Immediately following these types of questions, similar questions were specifically asked about whether youth felt minority juveniles were treated the same as or differently than White juveniles. See Appendix C for a copy of the Probation Interview Guide and Appendix D for a copy of the DYS Interview Guide.

Probation Interviews

For purposes of sample selection, we targeted four counties which contained courts serving urban, suburban, and rural communities. The same four counties that were selected for the first phase of the study were used for this phase: Hampden, Middlesex, Suffolk, and Worcester. Prior to scheduling interviews, signed informed consent forms were obtained from the Parent(s)/Guardian(s) of the youths. English and Spanish versions were distributed to each of the study respondents. Three different methods were used in gaining permission to interview juvenile probationers. The first, and most traditional, method was to get a list of names and addresses from probation officers and mail consent forms; this was done for Ayer District Court and Worcester Juvenile Court. The second method was to appear at court on juvenile day when probationers came to visit their probation officers with their parents. This method was used at Concord District Court. The third and most effective method was to personally visit and talk to youth probationers who were sanctioned to the court's after-school program. Youth were provided with a brief overview of the study, and given letters of consent to bring home to get signed by their parent(s)/guardian(s) if they wished to participate. Interviews usually took place the next day or within one week while the study was still fresh in the youth's mind and to facilitate prompt returns. Boston Juvenile, Roxbury District, and Springfield Juvenile court offered these kinds of probation programs. Each subject who participated in the interview received a cash payment of \$10.00. See Appendix E for copies of the cover letter and informed consent form used with probation juveniles.

DYS Juvenile Interviews

The selection of study respondents for DYS interviews was conducted by first identifying a geographically representative sample of DYS programs throughout the state. The sampling procedure was conducted using DYS's client tracking system and was a purposive (non-probability) sample. A total of 14 secure and 4 community-based non-secure programs were selected. However, due to the frequent movement of youth from program to program and the two-month span from sampling to interviewing, a few of the youth were no longer at the program they were with when the sampling took place. Instead of visiting all of the 18 proposed sites, we interviewed youth from 20 different programs.

Parent(s) and guardian(s) of residents in the proposed programs were sent letters of informed consent. A total of 225 letters were mailed during January and February. In addition to the selection of programs, 114 letters of informed consent were sent to youth that were at home with parents but under DYS outreach and tracking. Of the 369 mailed letters, only 74 parents/guardians (20%) returned the consent form. This poor response rate is primarily attributable to the fact that many of these letters were returned to us because the forwarding address was either expired or unknown. Out of the 74 letters received, we were able to reach 61 of the respondents. Youth in nonsecure DYS settings received a cash payment of \$10.00. The Department of Youth Services did not want cash payments made to youth in secure settings. Instead, the money was given to DYS toward deposit in the youth's account. See Appendix F for copies of the cover letter and informed consent form used with DYS juveniles.

REVIEW OF THREE DATA SETS: DETENTION, COMMITMENT, AND COURT

Estimates of the influence of race and ethnicity on major outcomes in this study were obtained by logistic regression analysis. Logistic regression is a method for estimating the relationship between a set of factors and the probability that a particular event will occur. In this study, the events of interest were whether juveniles were adjudicated delinquent, placed in a secure facility during detention, placed in a secure facility after detention, and assigned to secure treatment facilities. For each event, the logistic models adjusted for other characteristics that might also affect the outcome. These characteristics included, in addition to racial and ethnic status, a juvenile's sociodemographic background (age, gender, family status), the nature and severity of the present offense, and previous history of offenses, probation, and DYS commitments.

The results of these analyses have been summarized in a single table for each of the major outcomes. These tables compare the observed rates of each outcome by race and ethnicity to the rates adjusted for juveniles' background characteristics. The adjusted rates were computed from the logistic regression coefficients for African-American and Hispanic juveniles. In essence, the adjusted rates for the minority groups are the rates these groups would be expected to have if they had the same background characteristics as Caucasian juveniles. These rates were also tested to determine whether there were statistically significant differences between the racial/ethnic groups after accounting for the background characteristics. Specific characteristics that influenced the probability that a given outcome occurred are described in the results for that outcome.

RESULTS: SURVEY OF SYSTEM PRACTITIONERS

This section of the report presents results from the survey of juvenile justice system practitioners. Results are presented for the overall sample first and then by race, occupation, and gender where there are significant differences between groups. As noted under Methods, five different groups of system practitioners were sent self-administered surveys: police officers; probation officers; prosecutors; judges; and Department of Youth Services Staff.

RESPONDENT CHARACTERISTICS

We first describe the respondent sample along selected sociodemographic characteristics (see Table 2). Unless otherwise noted, the "average" reported is the mean response. Totals may not always equal 100 due to rounding.

Age: The sample ranged in age from 24 to 68, with a mean age of 39.

Gender: Sixty-eight percent (68%) of the sample was male and 32% female.

Race: Eighty percent (80%) of the respondents were White, 11% African-American, 7% Latino/Hispanic, 2% "Other", and 0.5% Asian. Even though these numbers may overrepresent the percentage of minority groups working as practitioners within different levels of the juvenile justice system, the small absolute number of African-Americans (N=21), Latinos/Hispanics (N=13), Asians (N=1), and "Other" (N=4) minority groups who returned surveys should be kept in mind when interpreting the results presented below. Because only one Asian and four members of "Other" racial groups responded to the survey, their responses are not presented in the results discussion.

Marital Status: Sixty-nine percent (69%) of respondents were married, 21% were single, and 10% were divorced or separated.

Philosophical Orientation: Sixty-six percent (66%) described their philosophical orientation as moderate, 21% as liberal, and 12% as conservative.

Community of Origin: Fifty-six percent (56%) said they grew up in a suburban community, 38% in an urban community, and 6% in a rural community.

Languages Spoken: Respondents were asked what languages, other than English, they could speak fluently. There was little evidence of language fluency, as only 11% said they could speak Spanish, 5% some "Other" language, 3% French, and 0.5% Portuguese.

Education and Training: Respondents were asked about their educational backgrounds and training they have received in a professional capacity. In terms of highest degree/educational level attained, 37% had received a Master's Degree, 33% a Bachelor's Degree, 16% a Juris Doctorate, 12% had some college, 2% a high school diploma/GED, and 1% a Doctorate.

Eighty-four percent (84%) of respondents said that they had completed coursework or received training in child psychology, human development, or human behavior. Sixty-four percent (64%) indicated that they had received cultural sensitivity training in their professional capacity to work with members of minority groups.

Occupational Characteristics: Twenty-one percent (21%) of respondents were police officers, 30% were probation officers, 6% were prosecutors, 9% were judges, and 34% were DYS staff. Of these respondents, the majority (60%) responded that 100% of their caseload consisted of working with juveniles with the average being 76%.

There was wide variation in the number of years with which respondents indicated that they had been working with juveniles ranging from 1 to 40 years with the average being 12 years. Similarly, there was wide variation in terms of the percentage of their caseload which involved working with minority juveniles with the average being 48%. However, 67% stated that in their professional capacity, they were assigned to work only with juveniles while 33% were assigned to work with all age groups.

Because of the relatively small number of prosecutors (N=11) and judges (N=17) who returned surveys, results presented for these two groups should be interpreted with caution.

County: Twenty-eight percent (28%) of the sample worked in Middlesex County, 24% in Worcester county, 23% in Suffolk County, 17% in Hampden County, 1% in Berkshire County, and 8% in other counties. It should be noted that Middlesex, Worcester, Suffolk, and Hampden counties were the four counties selected for inclusion in the Stage 1 Disproportionate Minority Confinement Analysis. The sample in this study is very representative of the four counties originally selected for study in terms of rural/urban/suburban courts and other population characteristics.

**Table 2:
Characteristics of Practitioner Respondents**

Characteristic	Number	Percent
GENDER		
Male	130	68%
Female	62	32%
RACE		
Asian/Pacific Islander	1	1%
Black/African-American	21	11%
Latino/Hispanic	13	7%
Native American/American Indian	0	0%
White/Caucasian	151	80%
Other	4	2%

**Table 2 Continued:
Characteristics of Practitioner Respondents**

Characteristic	Number	Percent
MARITAL STATUS		
Single/Never Married	40	21%
Married	132	69%
Separated	3	2%
Divorced	15	8%
Widowed	1	1%
PHILOSOPHICAL ORIENTATION		
Liberal	40	21%
Moderate	124	66%
Conservative	23	12%
COMMUNITY OF ORIGIN		
Urban	72	38%
Suburban	108	56%
Rural	12	6%
LANGUAGES OTHER THAN ENGLISH SPOKEN		
Creole	0	0%
French	6	3%
Portuguese	1	1%
Spanish	21	11%
Other	9	5%
EDUCATION		
Less than High School	0	0%
High School Diploma/GED	4	2%
Associates Degree/completed some college	22	12%
Bachelor's Degree	63	33%
Master's Degree	70	37%
Juris Doctorate	30	16%
Other Doctorate	2	1%
OCCUPATION		
Police Officer	41	21%
Probation Officer	58	30%
Prosecutor	11	6%
Judge	17	9%
Department of Youth Services Staff	66	34%
COUNTY OF EMPLOYMENT		
Berkshire	2	1%
Hampden	32	17%
Middlesex	53	28%
Suffolk	43	23%
Worcester	45	24%
Other	16	8%

RESULTS

Treatment of Juveniles and Their Families

Respondents were asked a series of 25 questions concerning their feelings about the treatment of juveniles and their families who were involved in the Juvenile Justice System in Massachusetts. These questions asked specific information about behaviors they have *observed* or *experienced* in their professional capacity in the last five years. Results are first presented for the overall sample and then by race, occupation, and gender of respondent.

Do you think that racial/ethnic jokes or demeaning comments are made about minority juveniles less often, equally often, or more often than white juveniles?

Thirty-eight percent (38%) stated that racially demeaning jokes or comments were made more often about minority juveniles than white juveniles while 30% said equally often with 31% expressing no opinion.

By race, however, 91% of African-Americans and 67% of Latino/Hispanic compared to only 27% of whites felt that racial/ethnic jokes and demeaning comments were made about minority juveniles more often than white juveniles.

By occupation, probation officers (48%) and judges (44%) were more likely than police officers (33%), DYS officials (33%), or prosecutors (18%) to say that racial/ethnic jokes or demeaning comments are made more often about minority juveniles.

By gender, women (47%) were more likely than men (34%) to feel that racial/ethnic jokes or demeaning comments were more often made about minority juveniles.

Do you think that minority youth and their families typically receive much less, somewhat less, the same amount of, somewhat more, or much more respect than white youth and their families?

Fifty percent (50%) stated that minority youth and families receive the same amount of respect as White youth and their families, while 30% said they receive somewhat less respect and 10% said they receive much less respect.

African-American (86%) and Latino/Hispanic (69%) respondents, however, were much more likely to say that minority youth and their families typically receive less or much less respect than White respondents (30%).

Prosecutors (46%) and probation officers (45%) were most likely to feel that minority youth and their families receive somewhat less or much less respect than White youth and their families.

Women (48%) were somewhat more likely than men (35%) to feel that minority youth and their families typically receive less or much less respect than White youth and their families.

How often do you think minority juveniles are addressed in a patronizing manner?

Overall, forty-seven percent (47%) responded that minority juveniles are addressed

in a patronizing manner equally often as White juveniles, while 27% stated they were more often addressed in such a manner; 23% expressed no opinion.

Once again, however, significant racial differences were noted in response to this question. Two-thirds of African-Americans and 62% of Latinos/Hispanics, compared to only 16% of Whites, responded that minority juveniles are more often addressed in a patronizing manner than White juveniles.

Probation officers (37%) and judges (31%) were slightly more likely than other occupational groups to say that minority juveniles are more often addressed in a patronizing manner.

There were no significant gender differences in response to this item.

Do you think that police officers are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles? Thirty-seven percent (37%) of the sample responded that the police are usually less courteous to minority juveniles than White juveniles although a similar percentage (36%) felt the police were equally courteous, with 25% expressing no opinion (see Table 3).

All African-American and the majority of Latino/Hispanic respondents (54%), compared to only 27% of Whites, believed that police officers are usually less courteous to minority juveniles than White juveniles.

Prosecutors (46%), judges (47%) and, DYS staff (49%) were especially likely to feel that the police were less courteous to minority juveniles than White juveniles.

Women (46%) were more likely than men (33%) to believe that the police were less courteous to minority juveniles.

Do you think prosecutors are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles? The majority of respondents (64%) stated that prosecutors are usually equally courteous to minority and White juveniles with only 14% saying they are less courteous to minority juveniles while 22% expressed no opinion (see Table 3).

The majority of African-Americans (52%) also believed that prosecutors are less courteous to minority juveniles than White juveniles, compared to 23% of Latinos/Hispanics and 5% of Whites.

DYS officials (27%) were somewhat more likely than other groups to believe that prosecutors are usually less courteous to minority youth than White youth.

There were no significant gender differences in response to this item.

Do you think judges are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles? The majority of respondents (69%) stated that judges are usually equally courteous to minority and White juveniles with only 10% saying they are less courteous to minority juveniles, while 17% expressed no opinion (see Table 3).

Although not as striking as with police and prosecutors, African-Americans were more likely (43%) than Latinos/Hispanics (15%) and Whites (49%) to feel that judges are usually less courteous to minority juveniles than White juveniles.

DYS staff (17%) were slightly more likely to believe that judges were less courteous to minority juveniles than White juveniles.

There were no significant gender differences in response to this item.

Do you think probation officers are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles? The majority of respondents (65%) stated that probation officers are usually equally courteous to minority and White juveniles, while 15% said they are less courteous to minority youth, and 19% had no opinion (see Table 3).

African-Americans (43%) were much more likely than Latinos/Hispanics (23%) or Whites (8%) to feel that probation officers are usually less courteous to minority juveniles than White juveniles.

DYS staff (23%) and prosecutors (18%) were somewhat more likely than others to feel that probation officers are less courteous to minority juveniles.

Women (19%) were slightly more likely than men (12%) to feel that probation officers were usually less courteous to minority youth.

Do you think D.Y.S. officials are usually less courteous, equally courteous, or more courteous to minority juveniles than white juveniles? It was also the case that the majority of respondents (58%) felt that D.Y.S. officials are usually equally courteous to minority and White juveniles, while 7% said they are usually less courteous to minorities; 34% had no opinion (see Table 3).

There were also racial differences in response to this question although less striking. Thus, 31% of Latinos/Hispanics and 24% of African-Americans, compared to only 3% of Whites, felt that DYS officials are usually less courteous to minority juveniles than White juveniles.

Ironically, some DYS staff (15%) also viewed DYS staff as usually less courteous to minority juveniles than White juveniles.

There were no significant gender differences on this item.

**Table 3:
Are System Practitioners Less, Equally, or More Courteous
to Minority Juveniles than White Juveniles?**

Occupation	Less courteous to minority juveniles than White juveniles	Equally courteous to minority and White juveniles	More courteous to minority juveniles than White juveniles	No basis for opinion
Police Officers	37% (71)	36% (69)	3% (5)	25% (47)
Prosecutors	14% (26)	64% (123)	1% (2)	22% (42)
Judges	10% (19)	69% (133)	4% (8)	17% (33)
Probation Officers	15% (28)	65% (126)	1% (2)	19% (37)
DYS Officials/Staff	7% (14)	58% (111)	2% (3)	34% (65)

How often is higher bail set for minority juveniles than for white juveniles accused of similar crimes? Thirty-two percent (32%) said it was never (22%) or seldom (10%) the case that higher bail is set for minority juveniles than for White juveniles convicted of similar crimes, although 20% said this sometimes occurred, and 9% said it often was the case; 37% expressed no opinion.

There were fairly strong racial differences in response to this question. For example, one-third of African-Americans and 39% of Latinos/Hispanics, compared to only 3% of Whites, believed that it is often the case that higher bail is set for minority juveniles than White juveniles accused of similar crimes.

Prosecutors and judges were both more likely than other groups to say that bail is never (46% and 38%, respectively) set higher for minorities and also say that bail is sometimes (27% and 31%, respectively) set higher for minority juveniles than White juveniles convicted of similar crimes.

Women were more likely than men to say that higher bail is sometimes (25% vs. 17%) or often (15% vs. 7%) set higher for minorities than White juveniles convicted of similar crimes.

When minority juveniles and white juveniles commit similar crimes, minority juveniles are held on bail less often, equally often, or more often than white juveniles? Nearly half of the respondents said minority and White juveniles are held on bail equally often for similar crimes, while 26% said minority youth were held on bail more often than Whites for similar crimes; 24% expressed no opinion.

Strong racial differences were evident in response to this question. Two-thirds of African-Americans and 62% of Latinos/Hispanics, compared to only 17% of Whites, stated that minority juveniles are more often held on bail than White juveniles who commit similar crimes.

Judges (37%), probation officers (35%), and DYS staff (32%) were especially likely to believe that minority juveniles are more often held on bail than White juveniles who commit similar crimes.

Women (31%) were slightly more likely than men (24%) to say that minority juveniles are more often held on bail than White juveniles.

How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is white? Nearly two-thirds (64%) expressed no opinion in regard to this statement. Sixteen percent (16%) said it was often the case that a criminal case is regarded as more winnable if the youthful offender is White.

There were no apparent racial differences in response to this question, with most African-Americans (71%) and Whites (65%) expressing no opinion. Whites were slightly more likely to say that this scenario was often (17%) the case, African-Americans to say it sometimes (14%) occurred, while Latinos/Hispanics were more likely to say this never (15%) or seldom (15%) happened.

Prosecutors (36%) were especially likely to feel that a criminal case is often regarded as winnable if the youthful offender is White.

There were no significant gender differences in response to this question.

How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is a minority? Similarly, the majority of respondents (64%) expressed no opinion when this statement was changed to indicate that the youthful offender is minority. Fifteen percent (15%) said it was often the case that a criminal case is regarded as more winnable if the offender is a minority.

There were also no major racial differences in response to this question, as most African-American (71%) and Whites (65%) expressed no opinion. Latinos/Hispanics were more likely to say that this situation was never (15%), sometimes (23%) or often (15%) the case than other groups, while African-Americans were more likely to say it was always (19%) the case.

Prosecutors (36%) were more likely to believe that a criminal case is often regarded as more "winnable" if the youthful offender is a minority.

Men (9%) were slightly more likely than women (2%) to say that such a case is never winnable, while women (10%) were slightly more likely than men (2%) to say it is seldom winnable.

Do you think prosecutors overcharge minority juveniles less often, equally often, or more often than white juveniles?

One-third of the respondents said prosecutors overcharge minority juveniles equally often as Whites, and 11% said they overcharge minorities more often. However, the majority (55%) expressed no opinion in regard to this statement.

While African-Americans (38%) and Latinos/Hispanics (39%) were much more likely than Whites (4%) to say prosecutors more often "overcharge" minority juveniles, substantial percentages of each group (33% of African-Americans, 54% of Latinos/Hispanics, and 57% of Whites) expressed no opinion.

Probation officers (15%) and DYS officials (17%) were slightly more likely to believe that prosecutors more often overcharge minority juveniles than White juveniles.

Women (15%) were somewhat more likely than men (9%) to feel that prosecutors overcharge minority juveniles more often than Whites.

With regard to criminal justice processing, do you think that minority juveniles receive less severe, equal, or more severe processing than white juveniles? The majority of respondents (57%) felt that minority juveniles receive as equal processing as White juveniles, although 22% felt minorities received more severe processing.

Racial differences were evident on this question, as the majority of African-American (55%) and Latino/Hispanics (54%) respondents, compared to only 14% of Whites, felt that minority juveniles receive more severe processing than White juveniles.

Probation officers (29%), judges (29%), and DYS officials (25%) were somewhat more likely to say that minority juveniles usually receive more severe processing than White juveniles.

Women (33%) were much more likely than men (17%) to feel that minorities receive more severe criminal justice processing than Whites.

Do you think that minority juveniles usually receive less severe, equal, or more severe punishment than white juveniles? The majority of respondents (56%) felt that minority juveniles received equally severe punishment as Whites juveniles, although 25% believed they received more severe punishment; 16% expressed no opinion.

However, by race there were striking racial differences in response to this question: 76% of African-Americans and 69% of Latinos/Hispanics, compared to only 13% of White respondents, said that minority juveniles usually receive more severe punishment than White juveniles.

Prosecutors (36%), probation officers (32%), and judges (29%) were more likely to believe that minority juveniles usually receive more severe punishment than White juveniles.

Women (34%) were more likely than men (21%) to believe that minority juveniles receive more severe punishment than White juveniles.

How often is detainment after arrest longer for minority juveniles than for white juveniles accused of similar crimes?

There was considerable variation in response to this statement, with 22% saying minorities were never detained longer after arrest than Whites for similar crimes; 11% said seldom, 14% sometimes, and 11% often. Forty percent (40%) expressed no opinion.

By race, African-Americans (29%) and Latinos/Hispanics (39%) were more likely than Whites (6%) to state that minorities were often detained longer than White juveniles accused of similar crimes.

An equal percentage of judges (29%) believed that either minorities were never detained longer or often detained longer than Whites. Police (34%) were more likely to say that minorities were never detained longer.

Women (15%) were slightly more likely than men (9%) to say that minorities are often detained longer after arrest than White juveniles.

Do you think that the legal representation that minority juveniles receive is usually worse than, equal to, or better than that of white juveniles? The majority of respondents (62%) believed that the legal representation received by minority juveniles is equal to that of Whites, while 21% felt it was worse.

There were substantial racial differences in response to this question, with the majority of African-Americans (65%) and Latinos/Hispanics (54%), compared to only 12% of Whites, believing that the legal representation received by minorities is usually worse than that of White juveniles.

Probation officers (24%) and DYS staff (25%) were somewhat more likely to believe that minority juveniles usually receive worse legal representation than White juveniles.

Women (25%) were slightly more likely than men (19%) to believe that minorities usually receive worse legal representation than Whites.

Do you think that minority juveniles whose parents are professionals usually receive treatment by system practitioners that is less lenient, equal to, or more lenient than that of white juveniles whose parents are professionals? Two-thirds of the respondents felt that minority juveniles whose parents are professionals receive equal treatment to White juveniles whose parents are professionals by system practitioners. Only 8% felt minorities received less lenient treatment, while 25% had no opinion.

By race, African-Americans (45%) and Latinos/Hispanics (23%) were more likely than Whites (2%) to feel that minority juveniles whose parents are professionals usually receive less lenient treatment than White juveniles.

There were no striking occupational differences in response to this question. Probation officers (13%) and judges (12%) were only slightly more likely to believe that minority

juveniles whose parents are professionals usually receive less lenient treatment by system practitioners than White juveniles.

There were no significant gender differences, although women (72%) were somewhat more likely than men (64%) to state that minorities with professional parents receive equal treatment.

How often is a case involving a minority juvenile heard in a courtroom in which most of the professionals are white? The majority (53%) of respondents stated it was often that a case involving a minority juvenile was heard in a courtroom in which most of the professionals are White, while 17% said it was sometimes the case, and 10% said it always was.

All Latino/Hispanic respondents and the majority of African-Americans said that this scenario was often the case, compared to 48% of Whites.

Prosecutors were especially likely to say that such cases were always (27%) or often (55%) heard in courts where all professionals were White. A substantial percentage of the police (49%), probation officers (55%), and DYS officials (58%) said this was often the case.

Women (17%) were somewhat more likely than men (7%) to say that it was always the case that such cases were heard in courtrooms where most professionals are White.

How often do minority juveniles receive longer sentences than white juveniles, when both are convicted of the exact same crime? There was considerable variation on this item, although 35% expressed no opinion. Twenty-two percent (22%) stated it was never the case that minority juveniles received longer sentences than White juveniles convicted of the exact same crime, while 18% said they seldom did, 15% said they sometimes did, 8% responded they never did, and 2% said they always did.

Clear racial differences were evident on this question. Thus, 75% of African-Americans and 54% of Latinos/Hispanics, compared to only 15% of Whites, responded that it was sometimes or often the case that minority juveniles received longer sentences than White juveniles convicted of the same crime.

Judges (65%) and prosecutors (64%) were especially likely to respond that minorities never or seldom receive longer sentences than Whites convicted of the same crime.

Women (15%) were more likely than men (5%) to say that minorities often receive longer sentences than Whites convicted of the same crime, while men were more likely to say this never happened.

How often do you think convicted minority juveniles are placed in secure facilities compared to convicted white juveniles? Forty-three percent (43%) of respondents felt that convicted minority juveniles are placed in secure facilities equally often as convicted White juveniles, although 25% said minorities were more often placed in secure facilities; 32% expressed no opinion.

The majority of African-American (57%) and Latino/Hispanic (54%) respondents, but only 18% of Whites, believed that convicted minority juveniles are more often placed in secure facilities than White juveniles.

Judges (35%), DYS officials (30%), and probation officers (28%) were somewhat more likely to say that minorities are more often placed in secure facilities compared to White juveniles.

Women (29%) were somewhat more likely than men (23%) to say that convicted minorities are more often placed in secure facilities than White juveniles.

Do you think minority juveniles commit less serious, the same types, or more serious crimes than white juveniles? The vast majority (70%) felt that minority juveniles commit the same types of crimes as White juveniles, while 20% felt that minorities commit more serious crimes than White juveniles.

Latinos/Hispanics (39%) were most likely to believe that minority juveniles commit more serious crimes than White juveniles, while African-Americans (91%) were most likely to believe they committed crimes of equal seriousness. The majority of each racial group believed that minorities and Whites commit crimes of equal seriousness.

Prosecutors (36%) were most likely to respond that minorities commit more serious crimes than White juveniles.

Men (23%) were slightly more likely than women (15%) to feel that minority juveniles commit more serious crimes than White juveniles.

How often do you fear minority youth more than white youth? The majority (73%) of respondents said they never (55%) or seldom (18%) fear minority youth more than White youth, and this was true for each racial group.

Prosecutors (27%) and police officers (20%) were somewhat more likely to respond that they sometimes fear minorities more than White youth.

Women (19%) were slightly more likely than men (14%) to say that they sometimes fear minority youth more than White youth.

Do you think minority youth are more threatening to society in general than their white counterpart? The majority (53%) said they never (41%) or seldom (12%) think that minority youth are more threatening to society in general than White youth, 12% said they seldom think this, and 28% said they sometimes think this is the case.

African-Americans (60%) were most likely to say that they never think minority youth are more threatening, while Latinos/Hispanics were evenly split between the never (42%) and sometimes (42%) responses. Whites (28%) were most likely to say that they sometimes think that minority juveniles are more threatening than White juveniles.

Prosecutors (46%) and probation officers (40%) were more likely to say that minority youth are sometimes more threatening to society than White youth.

Men (31%) were more likely than women (20%) to say they sometimes think minority youth are more threatening to society than White youth.

Do you feel that minority youth are treated worse than white youth in the juvenile justice system? Thirty-one percent (31%) felt that minority youth are never treated worse than White youth in the juvenile justice system, while 26% said they sometimes were, and 18% said they seldom were. Eleven percent (11%) said minority youth were often (9%) or always (2%) treated worse than White youth in the juvenile justice system.

African-Americans (43%) and Latinos/Hispanics (46%) were more likely than Whites (22%) to feel that minority youth are sometimes treated worse than White youth in the juvenile justice system. African-Americans (38%) were most likely to say that minority youth are often treated worse, while Whites (38%) were most likely to feel that minority youth are never treated worse than White youth by the juvenile justice system.

Prosecutors (46%), DYS staff (38%), and probation officers (40%), were more likely to respond that minority juveniles were sometimes or often treated worse than White youth in the juvenile justice system.

Women (45%) were somewhat more likely than men (32%) to say that minority youth are sometimes, often, or always treated worse than White youth in the juvenile justice system.

RESULTS: JUVENILE PROBATION INTERVIEWS

RESPONDENT CHARACTERISTICS

The specific sociodemographic characteristics contained in this interview instrument are described statistically below. Unless otherwise noted, all statistics presented are rounded to the nearest whole number. See Table 4 below for demographic information by court, race, and gender.

Age: The sample ranged in age from 12 to 18, with a mean age (average) of 16.

Gender: Sixty-nine percent (69%) of the sample was male, and 31% was female.

Race: Forty-eight percent (48%) of the sample was African-American, 25% White, 23% Latino/Hispanic, and 4% "Other".

Table 4:
Juvenile Probation Interviews by Court, Race, and Gender

Court (County)	African-American		Latino/Hispanic		White		Other		TOTAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Ayer District (Middlesex County)	0	0	0	0	3	0	0	0	3	0
Boston Juvenile ^(a) (Suffolk County)	7	4	3	2	0	0	0	1	10	7
Concord District (Middlesex County)	2	0	0	0	3	2	0	0	5	2
Roxbury District ^(b) (Suffolk County)	5	1	1	0	0	0	1	0	7	1
Springfield Juvenile ^(c) (Hampden County)	3	0	1	3	1	0	0	0	5	3
Worcester Juvenile (Worcester County)	0	1	1	0	2	1	0	0	3	2
TOTAL	17	6	6	5	9	3	1	1	33	15

(a) Interviewed youth that were sanctioned to court's Citizenship Training Group, Inc., (CTG), and Herrick School for girls. Ten youth were interviewed from CTG, while seven were from the Herrick School for girls.

(b) Youth probationers from the court's Project Turn Around Program were interviewed.

(c) Interviewed youth that were referred to the court's Youth Development Program.

County: The majority of respondents (54%) were from Suffolk County, 19% from Middlesex County, 17% from Hampden County, and 10% from Worcester County.

Severity of Offense: Two percent (2%) of the sample was placed on probation for high severity, 19% for high moderate, 35% for moderate, 13% for low moderate, and 31% for low severity offenses. A copy of the Offense Severity Table which ranks offenses along five levels of severity from low to high may be found in Appendix G.

RESULTS: GENERAL

This section of the report presents results for questions that did not refer to race/ethnicity, but rather focused only on system processing (i.e., police, courts). These types of questions were asked first to avoid any possible "leading" of study respondents. These unaided questions were immediately followed by questions that specifically asked youth if they felt that minority juveniles were treated, processed, or handled differently than White juveniles by the police and courts. The next section, "Results: Race Specific," presents the results for these race-specific questions. Throughout both Results sections, examples of open-ended responses are provided. Appendix H provides a more detailed, representative sample of verbatim statements that were expressed by youth probationers about the police and courts.

Treatment of All Youth by Police and Court Staff

Would you say that police officers treat all kids they stop the same or treat some kids better than others? Seventy-seven percent (77%) said that police officers treat some kids better than others. It should be noted that 100% of the White respondents felt this way, while 69% of minority respondents did (see Table 5).

Those who felt that police officers do not treat all kids the same were asked to further explain their answers. While minority respondents focused on race as the cause of differential treatment, White respondents typically focused on the juvenile's past record, appearance, and demeanor. Fifty-six percent (56%) of minorities believed that police officers treat White juveniles better than Black and/or Latino/Hispanic juveniles. For example, one minority respondent stated that he "used to get in fights with White kids and [he] would get arrested, and they (the White kids) would not."

Table 5:
Probation Juveniles: Treatment of All Youth by Police

Would you say that police officers...	African-American	Latino/Hispanic	White	Other
treat all kids the same?	22% (5)	9% (1)	0% (0)	0% (0)
treat some kids better than others?	70% (16)	73% (8)	100% (12)	50% (1)
Don't know	9% (2)	18% (2)	0% (0)	50% (1)

Would you say that probation officers treat all kids the same or treat some kids better than others? Only ten of the 48 respondents (21%) felt probation officers treat some youth better than others. Three of the White juveniles (25%) and seven of the minority juveniles (19%) felt this way (see Table 6).

Would you say that lawyers treat all kids the same or treat some kids better than others? A mere eight of the 48 study respondents (17%) indicated differential treatment among juveniles by lawyers. The vast majority (75%) of these juveniles, six of the eight, were African-Americans (see Table 6).

Would you say that prosecutors treat all kids the same or treat some kids better than others? Forty percent (40%) of the sample indicated that prosecutors treat some kids better than others. Fifty percent (50%) of the White respondents felt this way, compared to 44% of the African-Americans and 27% of the Latinos/Hispanics (see Table 6).

Many of the minority respondents and one of the White respondents felt that Whites were treated better than minorities by prosecutors. For example, many respondents indicated that White juveniles are much more likely than minority juveniles to get their charges reduced or even dropped. Respondents also pointed to a juvenile's appearance and past criminal history as predictors of that juvenile's treatment by prosecutors, regardless of race.

Would you say that judges treat all kids the same or treat some kids better than others? Thirty-one percent (31%) felt judges treat some kids better than others. Ten of the minorities (28%) and 5 of the Whites (42%) felt this way (see Table 6).

When asked to explain why they thought judges did not treat all kids the same, many of the White respondents felt it was the juvenile's appearance and prior offense record that determined how the youth would be treated, whereas 5 of the 10 minority respondents believed it was the juvenile's race that mattered (e.g., "Whites get treated better than minorities").

Table 6:
Probation Juveniles: Treatment of All Youth by Court Staff ^(a)

Would you say that [court staff category]...	African-American				Latino/Hispanic				White				Other			
	PO	L	P	J	PO	L	P	J	PO	L	P	J	PO	L	P	J
treat all kids the same?	57% (13)	61% (14)	22% (5)	52% (12)	40% (4)	36% (4)	0% (0)	27% (3)	58% (7)	75% (9)	17% (2)	50% (6)	50% (1)	50% (1)	0% (0)	0% (0)
treat some kids better than others?	22% (5)	26% (6)	44% (10)	30% (7)	20% (2)	0% (0)	27% (3)	18% (2)	25% (3)	8% (1)	50% (6)	42% (5)	0% (0)	50% (1)	0% (0)	50% (1)
Don't know	22% (5)	13% (3)	35% (8)	17% (4)	40% (4)	64% (7)	73% (8)	55% (6)	17% (2)	17% (2)	33% (4)	8% (1)	50% (1)	0% (0)	100% (2)	50% (1)

^(a) PO = Probation Officers; L = Lawyers; P = Prosecutors; and, J = Judges.

Personal Treatment by Police and Court Staff

Do you feel that the police officers you have dealt with were fair in how they treated you or were not fair in how they treated you? Fifty-percent (50%) of the respondents said that the police they have dealt with did not treat them fairly, while 33% said they were fair, and 17% were not sure. The majority of the Whites (58%) felt they were treated fairly, whereas most of the African-Americans (52%) and Hispanics (55%) believed they were treated unfairly (see Table 7).

Do you feel that the court staff were fair in how they treated you or were not fair in how they treated you? Sixty-five percent (65%) said the courts were fair in how they treated them, while 19% said they were unfair, and 17% did not know. Only 6 of the minority juveniles (17%) said they were treated unfairly, whereas just 3 of the White juveniles (25%) did (see Table 7).

Table 7:
Probation Juveniles: Personal Treatment by Police and Court Staff

Do you feel that the police and courts...	African-American		Latino/Hispanic		White		Other	
	Police	Court	Police	Court	Police	Court	Police	Court
have been fair in how they treat you?	30% (7)	61% (14)	18% (2)	64% (7)	58% (7)	67% (8)	0% (0)	100% (2)
have not been fair in how they treat you?	52% (12)	22% (5)	55% (6)	9% (1)	42% (5)	25% (3)	50% (1)	0% (0)
Don't know	17% (4)	17% (4)	27% (3)	27% (3)	0% (0)	8% (1)	50% (1)	0% (0)

RESULTS: RACE-SPECIFIC

Immediately following the general questions about system processing, youth were asked if they felt race/ethnicity impacted how they and other juveniles were treated by the juvenile justice system.

Treatment of Different Racial Populations by Police and Court Staff

Generally, would you say that the police usually treat African-American, Asian, Hispanic, and White juveniles the same or differently? Sixty-nine percent (69%) of the minority and 67% of the White respondents indicated that police usually treat African-American, Asian, Hispanic, and White juveniles differently. Seventy percent (70%) of these respondents felt White juveniles were treated the best, whereas 6% said Asians, and 24% did not know (see Table 8).

Of the 33 respondents who indicated that the police treat juveniles differently based on race, none said that African-American or Hispanic juveniles were treated the best. Many of the minority respondents felt White juveniles were treated better because "most of the cops are White and they treat their own type better." Likewise, White youth were seen as getting second chances, and were perceived as innocent by the police. Seven of the eight White respondents believed that Whites were treated the best by the police. When asked who gets treated the worst, none of the 33 respondents said White juveniles.

Generally, would you say that the courts usually treat African-American, Asian, Hispanic, and White juveniles the same or differently? Half of the sample (50%) indicated that the courts treat all races the same, while 16 believed differently (33%), and 8 were not sure (17%). Only one of the 11 Latino/Hispanic juveniles indicated that race/ethnicity impacted the court's decision-making practices. In contrast, 11 of the 23 African-American respondents said race played a role in how a youth is processed by the courts (see Table 8).

Sixty-three percent (63%) of the juveniles who expressed differential treatment based on race said that White youth are treated the best by the courts, whereas, 13% felt minority youth are favored, and 25% did not know. All three of the White youth who felt race was a factor said they were treated better than minorities. Most respondents, regardless of race, stated that African-American and Hispanic youth are treated the worst by the courts because of the "negative stereotypes" associated with these two groups (e.g., "they are the cause of all trouble," "guilty even before going in front of the judge").

**Table 8:
Probation Juveniles: Treatment of Different Racial Populations
by Police and Courts**

Do the police and courts treat all races...	African-American		Latino/Hispanic		White		Other	
	Police	Court	Police	Court	Police	Court	Police	Court
the same?	26% (6)	39% (9)	18% (2)	55% (6)	17% (2)	67% (8)	0% (0)	50% (1)
differently?	70% (16)	48% (11)	64% (7)	9% (1)	67% (8)	25% (3)	100% (2)	50% (0)
Don't know	4% (1)	13% (3)	18% (2)	36% (4)	17% (2)	8% (1)	0% (0)	0% (0)

Generally, do you think that police officers are most likely to arrest African-American, Asian, Hispanic, or White juveniles? Forty-six percent (46%) of the respondents felt police were more likely to arrest African-American and/or Hispanic juveniles before arresting Whites for similar offenses. Thirty-five percent (35%) of the juveniles indicated that one's race did not matter in the arrest decision.

Who do you feel police are more likely to detain for longer periods of time after arrest: African-American, Asian, Hispanic, or White juveniles?

Forty-four percent (44%) of the sample indicated that African-American and/or Hispanic juveniles were more likely to be detained for longer periods of time, whereas 42% said one's race did not matter. More than half of the African-American respondents said they believe that the police are more likely to detain them for longer periods of time after arrest than any other race. When asked why they felt this way, most of them said they "have been in situations in which a White kid would get released before [them] when [they were] brought in for similar offenses." A few of them felt that the police lock them up longer to keep them off the streets and from committing crimes.

Overall, would you say that the courts give more severe placements and punishments to African-American, Asian, Hispanic, or White juveniles?

Fifty-six percent (56%) of the 48 respondents felt race did not play a factor in the court's decision to give more severe placements and punishments to youth who have committed similar offenses. The remaining 29% of the sample felt that minorities were given more severe punishments and placements than White juveniles.

For whom do you feel judges are more likely to set higher bail when similar offenses are committed: African-American, Asian, Hispanic, or White juveniles?

Thirty-eight percent (38%) of the sample felt race influenced the amount of bail set for juveniles accused of similar crimes, while 48% said one's race did not matter in the judge's decision to set bail, and 15% were not sure.

The vast majority (94%) of the respondents who felt race was a factor in bail decisions indicated that African-American youth were more likely to get a higher bail than others. Furthermore, many of the minority respondents said they or others they know "have received higher bail than White juveniles for equal crimes."

RESULTS: DYS JUVENILE INTERVIEWS

RESPONDENT CHARACTERISTICS

We first provide a description of the sample of DYS youth interviewed for this study along select sociodemographic characteristics. We present both percentages and raw numbers (in parentheses) due to the relatively small number of DYS youth interviewed, which should be kept in mind when interpreting the results presented below. A total of 61 DYS youth were interviewed. See Table 9 for DYS youth interviewed by placement and race.

Gender: The vast majority (92%) of the sample were male, while only 8% were female.

Race: The sample was 33% African-American, 21% Latino/Hispanic, 41% White, and 5% "Other".

County of Residence: The percentage of DYS youth who were from each county is as follows: Suffolk (33%); Hampden (13%); Middlesex (12%); Worcester (10%); Norfolk (8%); Essex (8%); Bristol (5%); Plymouth (5%); Hampshire (3%); and, Franklin (2%). One of our interviewees was an out-of-state youth whose crime was committed in Massachusetts.

Severity of Current Governing Offense: Using the Offense Severity Table found in Appendix G, we rated the severity of the individual's current governing offense. Nearly half (48%) of the sample had a high severity offense, 21% a high moderate severity offense, 23% a moderate severity offense, 3% a low moderate severity offense, and 5% a low severity offense.

African-Americans (75%) were most likely to have been convicted of high severity offenses, compared to Hispanics (8%) or Whites (44%). Hispanics (54%) were more likely to have been convicted of high-moderate severity offenses than African-Americans (15%) or Whites (12%).

Type of Facility: Seventy-two percent (72%) of the youth were in secure DYS facilities and 28% were in non-secure programs.

Months at DYS: At the time of our interviews, African-American respondents had been at DYS an average of 24.3 months, compared to 16.7 months for Whites, 17 months for other respondents, and 13.1 months for Hispanics.

Table 9:
DYS Youth Interviewed by Placement and Race

DYS Placement	African-American	Latino/Hispanic	White	Other	Total
Boston Secure Treatment	0	0	1	0	1
<i>Casa Isla^(a)</i>	0	1	0	0	1
CHD Secure Treatment	0	1	1	0	2
Connelly Detention	1	0	0	0	1
Connelly Treatment	1	0	0	1	2
Coolidge School	0	1	0	0	1
Delaney School	2	1	1	0	4
Grafton Secure Treatment	1	2	0	0	3
Hadley Assessment	0	0	1	0	1
Hillside Shelter Care	0	0	1	0	1
<i>Home of Parents</i>	0	0	3	0	3
JRI Butler	1	1	1	0	3
JRI Evaluation	0	0	1	0	1
<i>Littleton School for Girls</i>	0	0	3	0	3
<i>Our House</i>	0	0	2	0	2
<i>Pilgrim Center</i>	3	1	3	0	7
Plymouth Secure Treatment	8	0	2	1	11
RFK in Westboro	0	1	3	0	4
Rotenburg School for Girls	0	0	0	1	1
Springfield Shortterm Secure	2	3	1	0	6
Westboro Secure Treatment	1	1	1	0	3
TOTAL	20	13	25	3	61

(a) Italics indicate nonsecure facility.

RESULTS: GENERAL

Like their counterparts in the probation interviews, DYS juveniles were first asked a series of questions about their treatment by the police and courts. In addition, they were also asked about their treatment by DYS staff. The following section of this report "Results: General", presents findings from the first series of the questions that did not refer to race. Results from race-specific questions will be discussed later in the "Results: Race-Specific" section. Throughout both Results sections, examples of open-ended responses are provided. Appendix I provides a more detailed, representative sample of verbatim statements that were expressed by DYS residents about the police, courts, and DYS.

Treatment of All Youth by Police, Court Staff, and DYS

Would you say that police officers treat all kids they stop the same or treat some kids better than others?

Seventy-one percent (71%) of the study respondents felt that the police treat some kids better than others, whereas just 12% said the police treat all kids the same, and 18% did not know. Twelve of the Latino/Hispanic juveniles (92%), 14 of the African-American juveniles (70%), and 16 of the White juveniles (64%) believed that the police treat some kids better than others (see Table 10).

In their response as to what types of kid's are treated better or worse, many of the White juveniles, unlike the White probationers, felt that Whites were treated better than minorities. For example, two White male respondents were quoted as saying:

"Me and a Black friend got arrested for trespassing. My Black friend got beat up by the police and nothing happened to me. They beat him at the scene of the crime and at the station. When they told us to get up against the wall for a pat down, they really roughed him up, and when they were putting him in the car, they told him to watch his head but then they slammed and pushed his head into the top part of the door."

"Cops are racist. I have boys (i.e. friends) that are Black, and one day me and two of my Black friends were driving around doing nothing and the cops stopped us. My two Black boys were in the front seat and I was in the back. The cops only asked my two Black friends for ID and didn't ask me. They ran a criminal check on them and found nothing."

Many of the minority respondents voiced similar responses as the White juveniles did. Other frequently cited reasons by all racial groups were: "kids that have a good, clean-cut appearance and live in a nice neighborhood get treated better"; "kids that are the same race as the police officer are treated better"; and, "those who are disrespectful get treated the worst."

Table 10:
DYS Juveniles: Treatment of All Youth by Police

Would you say that the police...	African-American	Latino/Hispanic	White	Other
treat all kids the same?	10% (2)	8% (1)	12% (3)	33% (1)
treat some kids better than others?	70% (14)	92% (12)	64% (16)	33% (1)
Don't know	20% (4)	0% (0)	24% (6)	33% (1)

Would you say that probation officers treat all kids the same or treat some kids better than others? Seventeen of the 61 respondents (28%) felt probation officers treat some kids better than others. Minorities were slightly more likely than Whites to say that probation officers treated some kids better (see Table 11).

Would you say that lawyers treat all kids the same or treat some kids better than others? Only nine of the 61 respondents (15%) indicated that lawyers treat some kids better than others. All of the juveniles that felt this way were minorities (see Table 11).

Would you say that prosecutors treat all kids the same or treat some kids better than others? Nearly half (48%) of the respondents said that prosecutors treat some kids better than others. Hispanics (62%) were most likely to feel that prosecutors treated some kids differently (see Table 11).

"Kids that the prosecutors have not seen before in court are treated better than those who repeatedly appear before the court." Only two respondents who indicated differential treatment by prosecutors mentioned race as playing a factor. Both of these respondents were Latino/Hispanic.

Would you say that judges treat all kids the same or treat some kids better than others? Forty-six percent (46%) of respondents said that judges treat some kids better than others. Hispanics (69%) were especially likely to say that judges treat some kids better (see Table 11).

Many of the minority respondents felt that White kids with paid lawyers were treated the best by judges, whereas White respondents generally centered their responses around the juvenile's past criminal history.

Table 11:
DYS Juveniles: Treatment of All Youth by Court Staff ^(a)

Would you say that [court staff category]...	African-American				Latino/Hispanic				White				Other			
	PO	L	P	J	PO	L	P	J	PO	L	P	J	PO	L	P	J
treat all kids the same?	25% (5)	28% (5)	30% (6)	10% (2)	31% (4)	54% (7)	23% (3)	15% (2)	28% (7)	48% (12)	8% (2)	36% (9)	0% (0)	100% (3)	33% (1)	0% (0)
treat some kids better than others?	30% (6)	22% (4)	40% (8)	50% (10)	31% (4)	39% (5)	62% (8)	69% (9)	24% (6)	0% (0)	48% (12)	28% (7)	33% (1)	0% (0)	33% (1)	67% (2)
Don't know	45% (9)	50% (9)	30% (6)	40% (8)	39% (5)	8% (1)	15% (2)	15% (2)	48% (12)	52% (13)	44% (11)	36% (9)	67% (2)	0% (0)	33% (1)	33% (1)

^(a) PO = Probation Officers; L = Lawyers; P = Prosecutors; and, J = Judges.

Personal Treatment by Police, Court, and DYS Staff

Would you say that DYS staff treat all kids the same or treat some kids better than others? The vast majority (77%) of the juveniles felt that DYS staff treat some kids better than others. There were no race differences on this question, although all the respondents in the "Other" race category felt this way (see Table 12).

In terms of explaining what types of kids are treated better than others by means of race, only one minority respondent indicated that White juveniles are treated better than others. All racial groups mainly attributed the differences to the juvenile's behavior and relationship with staff.

Table 12:
DYS Juveniles: Treatment of All Youth by DYS Staff

Would you say that DYS staff...	African-American	Latino/Hispanic	White	Other
treat all kids the same?	15% (3)	15% (2)	20% (5)	0% (0)
treat some kids better than others?	75% (15)	77% (10)	76% (19)	100% (3)
Don't know	10% (2)	8% (1)	4% (1)	0% (0)

Do you feel that the police officers you have dealt with were fair in how they treated you or were not fair in how they treated you? Thirty-four of the 61 respondents (56%) said the police they have dealt with did not treat them fairly. The majority of Whites (56%), African-Americans (60%), and Hispanics (69%) believed they were treated unfairly by the police (see Table 13).

The police were regarded by many of the minority juveniles as physically overaggressive, verbally assaultive, and constantly harassing them.

Do you feel that the court staff have been fair in how they treated you or were not fair in how they treated you? The vast majority (71%) said they were treated fairly by court staff. Whites (24%) and Hispanics (23%) were more likely than African-Americans (10%) to say they were treated unfairly (see Table 13).

Many of the respondents said the courts have given them "a lot of chances."

Do you feel that DYS staff have been fair in how they treated you or were not fair in how they treated you? Despite the fact that the vast majority of youth thought that DYS staff treat some kids better than others, the majority of respondents (54%) felt that they personally have been fairly treated by DYS staff. This was true for the majority of each racial

group, except for the small number in the "Other" category, of which 2 out of 3 felt they have been treated unfairly by DYS staff (see Table 13).

Table 13:
DYS Juveniles: Personal Treatment by Police, Court, and DYS Staff

Do you feel that the police, courts, and DYS have...	African-American			Latino/Hispanic			White			Other		
	Police	Court	DYS	Police	Court	DYS	Police	Court	DYS	Police	Court	DYS
been fair in how they treated you?	30% (6)	80% (16)	70% (14)	31% (4)	69% (9)	62% (8)	56% (14)	64% (16)	52% (13)	33% (1)	67% (2)	33% (1)
not been fair in how they treated you?	60% (12)	10% (2)	20% (4)	69% (9)	23% (3)	23% (3)	44% (11)	24% (6)	32% (8)	67% (2)	33% (1)	67% (2)
Don't know	10% (2)	10% (2)	10% (2)	0% (0)	8% (1)	15% (2)	0% (0)	12% (3)	16% (4)	0% (0)	0% (0)	0% (0)

RESULTS: RACE-SPECIFIC

Study respondents were next asked if they felt that minority juveniles were treated, processed, or handled differently than White juveniles by police, court, and DYS staff. This section of the report presents these race-specific results.

Treatment of Different Racial Populations by Police, Court, and DYS Staff

Do the police treat African-American, Asian, Hispanic, and White juveniles the same or differently? When asked if race impacted how the police treat youth, 68% of the respondents felt that the police treat African-American, Asian, Hispanic, and White juveniles differently. The vast majority of the minority respondents felt this way, while less than half of the White juveniles did (see Table 14).

As previously indicated by probationers, Whites were primarily seen as getting treated the best by the police, while minority juveniles were most often seen as getting treated the worst by the police. A few of the respondents said it depends on the race of the police officer or the youth's place of residence. The police were more often said to perceive White juveniles as innocent, not a threat, getting second chances, and having the ability to sneak away from trouble. In contrast, police were said to more likely see minorities as "a threat to society," "up to no good," in gangs, drug-involved, and generally in need of closer surveillance by the police.

Do the courts treat African-American, Asian, Hispanic, and White juveniles the same or differently? Forty-one percent (41%) said the courts usually treat all races the same, while 34% said they treat minority and White youth differently (see Table 14).

African-Americans (55%) were most likely to cite differential treatment by the courts. Furthermore, all eleven of the African-Americans who felt this way indicated that White juveniles were treated the best. When asked who gets treated the worst, the vast majority of the respondents said minorities; however, it should be noted that two of the White juveniles felt they were treated the worst by the courts because "minorities get shorter sentences than Whites for similar crimes."

Do DYS staff treat African-American, Asian, Hispanic, and White juveniles the same or differently? Half of the sample (51%) said that DYS staff usually treat minority and White juveniles differently, while 39% said DYS staff treat all residents the same (see Table 14).

When asked who gets treated the best, there was a general consensus expressed regardless of the juvenile's race (e.g., "if resident is same race as staff, s/he gets treated better"). For instance, as one minority respondent stated:

"Blacks are treated better in Boston area facilities because most staff are Black, whereas Whites are treated better in Westboro area facilities because most of the staff are White."

Table 14:
DYS Juveniles: Treatment of Different Racial Populations
by Police, Court, and DYS Staff

Do the [system practitioners] treat juveniles of all races...	African-American			Latino/Hispanic			White			Other		
	Police	Court	DYS	Police	Court	DYS	Police	Court	DYS	Police	Court	DYS
the same?	15% (3)	30% (6)	30% (6)	15% (2)	54% (7)	46% (6)	29% (7)	44% (11)	44% (11)	0% (0)	33% (1)	33% (1)
differently?	85% (17)	55% (11)	55% (11)	77% (10)	23% (3)	54% (7)	46% (11)	28% (7)	44% (11)	100% (3)	0% (0)	67% (2)
Don't know	0% (0)	15% (3)	15% (3)	8% (1)	23% (3)	0% (0)	25% (6)	28% (7)	12% (3)	0% (0)	67% (2)	0% (0)

Generally, do you think that police officers are most likely to arrest African-American, Asian, Hispanic, or White youth, or does one's race not matter?

Forty-eight percent (48%) of study respondents felt that the police were more likely to arrest minorities before arresting White juveniles for similar offenses. Thirty-eight percent (38%) of the juveniles believed that one's race did not matter in the decision to arrest, while 15% were not sure.

Who do you feel police are more likely to detain for longer periods of time after arrest: African-American, Asian, Hispanic, or White youth, or does one's race not matter?

Sixty-nine percent (69%) of the total sample either indicated that one's race did not matter in the decision to detain longer or were not sure. The remaining 31% believed minorities were more likely to be detained for longer periods of time after arrest than White juveniles. Minorities were portrayed as more violent, and many of the minority juveniles who responded said they have seen minorities get detained longer than White juveniles.

Overall, would you say that the courts give more severe placements and punishments to: African-American, Asian, Hispanic, or White youth, or does one's race not matter?

Fourteen respondents said the courts give more severe placements and punishments to African-Americans (and most of these respondents were African-Americans); 6 said Hispanics; and, 4 said Asians receive more severe placements and punishments from the courts. African-Americans were most likely to see the courts as giving severe placements and punishments to minorities. The majority of respondents, however, said that one's race does not matter in terms of the court's dispensing more severe placements or punishments.

For whom do you feel judges are more likely to set higher bail when similar offenses are committed: African-American, Asian, Hispanic, or White youth, or does one's race not matter?

One-third (21) of the respondents felt that higher bail was set for African-Americans (and most of these respondents were African-American). Many of the African-American respondents felt that the judges did not want them on the streets, and they would therefore set high bail for them to make sure they could not get out. A few respondents said higher bail was set for Hispanics (6), Asians (3), and Whites (3). Half (30) of the sample said that one's race did not matter in how bail was set.

Who do you feel DYS officials are more likely to place in secure versus nonsecure correctional facilities: African-American, Asian, Hispanic, or White youth, or does one's race not matter?

Nine respondents said Blacks were more likely to be placed in secure facilities, and 3 said Hispanics, while only 7 respondents said that White juveniles were more likely to be placed in nonsecure facilities. The vast majority (82%) of respondents felt that race was not a factor in the decision by DYS officials to place someone in a secure or nonsecure facility.

Personal Experience at the Department of Youth Services

DYS respondents were asked to provide information about their personal experience with DYS. They were first asked to rate whether their stay at DYS had either harmed or helped them, and were then provided the opportunity to explain their rating.

How would you rate your stay at DYS? The majority (56%) of respondents felt that their stay at DYS was either somewhat or very helpful to them. Thirty percent (30%) were neutral on this question, while 10% felt it was somewhat harmful, and 5% felt it was very harmful. African-Americans (50%) and Hispanics (69%) were more likely than Whites (32%) to characterize their stay as somewhat helpful (see Table 15).

Many residents indicated that DYS had helped them to: (1) express themselves in a positive way; (2) control their anger/violence, (3) identify and realize what they did was wrong; and, (4) better cope with their problems.

The 15% that said DYS has harmed them indicated that: (1) they have been injured when staff restrained them; (2) they have learned negative things from other residents (e.g., how to fight, use drugs); and, (3) staff put them down or made fun of them.

Table 15:
DYS Juveniles: "How would you rate your stay at DYS?"

	African-American	Latino/Hispanic	White	Other
Very Harmful	0% (0)	0% (0)	8% (2)	33% (1)
Somewhat Harmful	5% (1)	8% (1)	16% (4)	0% (0)
Neither Harmful nor Helpful	40% (8)	23% (3)	24% (6)	33% (1)
Somewhat Helpful	50% (10)	69% (9)	32% (8)	33% (1)
Very Helpful	5% (1)	0% (0)	20% (5)	0% (0)

DYS DETENTION DATA

This section of the report presents selected statistical analyses of detention data as part of the Disproportionate Minority Confinement (DMC) analysis. The database for this study consists of information obtained from the Department of Youth Services on 2,939 juveniles who came into contact with DYS during calendar year 1993. Of these 2,939 juveniles, 1,822 (62%) were detained overnight in a court location with no subsequent placement after that. These cases were dropped from our analyses. A total of 1,117 (38%) were subsequently detained and included in our analyses.

The multiple regression analyses presented below examine the relationship between a set of predictor or independent variables and two criterion or dependent variables. The independent predictor variables are: age at detention; gender; race/ethnicity; and, offense. The dependent criterion variables are: placement during detention (nonsecure versus secure); and, placement after detention (nonsecure versus secure).

Table 16 shows the placement status of these cases during detention disaggregated by race/ethnicity and gender. Eighty-five percent (85%) of those detained were held in secure facilities. Nearly all of the detained female juveniles (93%) were assigned to secure facilities; the corresponding rate was 84% for male juveniles. A greater proportion of African-American males (90%) and Hispanic males (87%) were placed in secure facilities than were White males (79%) (this may include a small number of Asians and others).

**Table 16:
Placement Status During Detention
By Race/Ethnicity and Gender**

Group	Nonsecure Placement	Secure Placement	TOTAL
White Males	21% (100)	79% (371)	42% (471)
African-American Males	10% (33)	90% (296)	30% (329)
Hispanic Males	13% (21)	87% (144)	15% (165)
White Females	8% (8)	92% (87)	9% (95)
African-American Females	4% (2)	96% (44)	4% (46)
Hispanic Females	0% (0)	100% (11)	1% (11)
TOTAL	15% (164)	85% (953)	100% (1,117)

Table 17 summarizes placement status after detention disaggregated by race/ethnicity and gender. All but seven of the female offenders were placed in secure facilities. Secure placement rates after detention for males were about 20% lower than the rates during detention in each racial/ethnic group.

Table 17:
Placement Status After Detention
By Race/Ethnicity and Gender

Group	Nonsecure Placement	Secure Placement	TOTAL
White Males	42% (196)	58% (275)	42% (471)
African-American Males	30% (97)	71% (232)	30% (329)
Hispanic Males	33% (54)	67% (111)	15% (165)
White Females	7% (7)	93% (88)	9% (95)
African-American Females	0% (0)	100% (46)	4% (46)
Hispanic Females	0% (0)	100% (11)	1% (11)
TOTAL	32% (354)	68% (763)	100% (1,117)

Logistic regression models for the probability of assignment to a secure facility were estimated for male juveniles. The purpose of these analyses was to determine whether the higher rates of secure placement for African-American and Hispanic juveniles was influenced by factors other than race or ethnicity. These models included age and six offense types (Class I crimes against persons, arson/robbery, larceny, weapons possession, drug offenses, and Class VII public order offenses). The model for the probability of secure placement after detention also included the (square root of the) number of days during detention that a juvenile was held in non-secure, staff, shelter, or locked facilities. Since nearly all juvenile women who are detained are sent to secure facilities, no further analyses were conducted for females.

The analyses indicated that the likelihood of being assigned to a secure placement during detention was strongly influenced by type of offense. Juvenile males arrested for weapons possession, drug offenses, crimes against persons, and larceny were considerably more likely to be placed in a secure facility than those arrested for less serious Class VII offenses. These offense effects, however, did not alter the race and ethnicity disparities. After taking offense type and age into consideration, the regression-adjusted rates of secure placements were 87% for African-Americans, 86% for Hispanics, and 79% for White males.

The results for placement after detention indicate that this outcome is affected both by offense type and by the type of placement during detention – defendants assigned to

secure settings during detention were also more likely to receive secure placements after detention than those who had been in nonsecure facilities. This link suggests that discriminatory decisions made during detention are likely to persist and be reflected in the post-detention placement as well. Once again, adjustments for offense type did little to alter the crude rates of secure placements. The adjusted rates for secure placements after detention were 68% for African-Americans, 66% for Hispanics, and 58% for White males.

RESULTS: COURT DATA – JUVENILES ADJUDICATED DELINQUENT

Analyses of youth adjudicated delinquent were based on a sample of cases from nine courts in four counties during 1993. Complete data were abstracted from court records for 1,213 cases. These data were collected during Stage 1 of the study. The four counties selected for the inclusion of this study contained courts serving urban, suburban, rural communities: Hampden; Middlesex; Suffolk; and, Worcester. Within counties, we selected the following courts:

Hampden County: Springfield Juvenile Court

Middlesex County: Ayer District Court
Cambridge District Court
Concord District Court
Woburn District Court

Suffolk County: Boston Juvenile Court
Charlestown District Court
Roxbury District Court

Worcester County: Worcester Juvenile Court

Overall, 32% of these cases were adjudicated delinquent (referred to DYS or probation). The delinquency rate was nearly twice as high among male juveniles (35%) as it was among female juveniles (19%). A greater proportion of both African-American (38%) and Hispanic males (40%) were adjudicated delinquent than White males (30%). Among females, the highest delinquency rate was found for African-Americans (30%), while the rates were similar for White (14%) and Hispanic women (14%). There were few Asians or juveniles of other races among the reviewed cases.

Statistical analyses were performed separately for male and female juveniles. The purpose of these analyses was to determine the extent to which ethnic and racial disparities in the delinquency rates were affected by other characteristics of the juveniles and their offenses. These characteristics included the offender's age, the severity of the current offense, weapon use, prior offenses, previous probation and DYS commitments, and prior probation violations or defaults.

These analyses indicated that the likelihood of being adjudicated delinquent was strongly influenced by the severity of the current offense, court defaults for the offense, and a prior record of probation or DYS commitment. Delinquency adjudication increased with age for male juveniles, but decreased with age for females. Adjusting for current offense and prior record had little effect on the race and ethnic differences in delinquency rates for males, but these adjustments greatly reduced the disparities among females (Table 18). None of the racial or ethnic differences in delinquency among offenders of either gender were statistically significant.

Table 18:
Percentage of Juveniles Adjudicated Delinquent

Racial/Ethnic Group	Males		Females	
	Unadjusted Rate	Adjusted Rate for Other Characteristics^(a)	Unadjusted Rate	Adjusted Rate for Other Characteristics^(a)
African-American	37.6%	35.4%	29.7%	17.6%
Latino/Hispanic	39.5%	35.6%	14.3%	4.0%
White	30.3%	(30.3%) ^(b)	14.0%	(14.0%) ^(b)

^(a) Adjusted for: offender's age, the severity of the current offense, weapon use, prior offenses, previous and DYS commitments, and prior probation violations or defaults.

^(b) Unadjusted rate comparable to adjusted rate.

RESULTS: DYS COMMITMENT DATA – ANALYSES OF PLACEMENT IN SECURE TREATMENT FACILITIES

Analyses of placement in secure treatment facilities were based on 928 newly committed juveniles to DYS during the calendar year of 1993. A total of 500 juveniles were considered by a staffing team consisting of the youth's caseworker, parent/guardian, lawyer, teacher, and clinician to appear before the department's classification board for purposes of admittance into a secure treatment program. All of these hearings and placement decisions were completed by July 25, 1995. Only 26 females were recommended by a staffing team to appear before the classification board. This small group of women was removed from subsequent analyses.

Sixty-two percent (62%) of the 474 male juveniles were assigned to secure treatment facilities; the remainder were rejected, escalated, diverted, or waived. The rates of assignment to secure facilities were slightly higher for African-Americans (65%) and Hispanics (66%) than for Whites (58%).

Statistical analyses of secure treatment were designed to determine whether the assignment rates were influenced by factors other than race or ethnicity. These factors included the juvenile's age, type of offense, family status (intact two-parent family), service received (mental health counseling, foster care, residential care, probation, special education, and medical services), and the number of times the juvenile had been recommitted to DYS. These analyses indicated that assignment to secure treatment occurred more often for juveniles with prior DYS commitments and those on probation, but less often for teens convicted of weapon-related offenses. After adjusting for these factors, there were no statistically significant differences by race or ethnicity in the probability that a juvenile was assigned to secure treatment (see Table 19).

Table 19:
Percentage of Juveniles Assigned to Secure Treatment Facilities
(Male juveniles only)

Racial/Ethnic Group	Unadjusted Rate	Adjusted Rate for Other Characteristics^(a)
African-American	65.3%	64.7%
Latino/Hispanic	66.0%	64.5%
White	57.6%	(57.6%) ^(b)

^(a) Adjusted for: juvenile's age, type of offense, family status (intact two-parent family), service receipt (mental health counseling, foster care, residential care, probation, special education, and medical services), and the number of times the juvenile had been recommitted to DYS.

^(b) Unadjusted rate comparable to adjusted rate.

A similar analysis was performed for the number of days juveniles were held in DYS custody. The average length of time in custody was 22.5 months. Hispanics and African-Americans

spent one month less time in custody, on average, than Whites, but this was not a statistically significant difference. Only one factor affected the length of custody time – older juveniles spend considerably less time in custody than younger juveniles.

SUMMARY OF RESULTS

A brief summary of results for each of the separate research efforts and data analyses conducted is provided below.

SURVEY OF JUVENILE JUSTICE SYSTEM PRACTITIONERS

A summary of results from the survey of system practitioners reveals considerable variation in responses across the five different groups of practitioners about the treatment of juveniles and their families in the Massachusetts juvenile justice system. For the overall sample, there were many cases in which a sizable percentage, if not majority, perceived there to be equal treatment and processing of minority youth and White youth. On a smaller number of questions, a sizable minority perceived inequitable processing and circumstances for minority youth or they expressed no opinion at all. In general, the results indicate that a substantial percentage believe there to be equal treatment and processing of minority youth in the juvenile justice system.

The most striking aspect of the survey results are the clear racial differences in response to these same survey questions. Simply stated, minority practitioners (African-American and Latino/Hispanic) were more likely than White practitioners to perceive disparate treatment and processing of youth of color at each stage of the juvenile justice system, from the point of arrest through the disposition stage, and on to the commitment stage. The finding that a substantial percentage of minority respondents perceived more differential handling and unequal treatment of youth of color compared to Whites was consistent across a number of survey items. While this may not strike some as a surprising finding and is consistent with previous research, it speaks volumes to how the personal perceptions and experiences of minority and White practitioners working in the same system toward a common goal actually diverge in practice. The significance of this is, of course, is how it ultimately impacts and affects the processing and treatment of youth of color in the juvenile justice system.

There were no major response differences based upon the specific occupation of the practitioner. In some cases, one or more groups would be more likely to perceive disparate treatment of minority youth than other groups, although the differences between groups were generally small. There were some gender differences in perceptions of disparate treatment, with women more likely than men to respond in a direction reflecting differential handling and processing of minority youth. The finding that women are more likely than men to see unequal treatment in the handling of juveniles is also consistent with previous research.

INTERVIEWS WITH JUVENILE PROBATION AND DYS YOUTH

The major finding which emerges from our in-person interviews with youth on probation and those committed to DYS is that of differential handling and treatment of minority youth by the police. The majority of both probation and DYS youth felt this way and this finding generally held across each of the respondent racial groups. In short, African-American and Latino/Hispanic youth were seen as being treated especially unfairly by the police, while White youth were treated better. The open-ended responses we obtained from probation and

DYS youth (see Appendices H and I) provide numerous examples, based on personal experiences, of how the police treat youth of color differently.

Although less evident than with the police, the courts were also seen as sometimes engaging in differential treatment and processing of youth based on race. This was true of both study respondents on probation and those in DYS. There were instances in which a sizable percentage of youth expressed disparate treatment based on race by certain actors (e.g., prosecutors, judges) or practices within the courts (e.g., the setting of bail and punishment). Minority respondents, whether on probation or in DYS, however, were more likely than White respondents to perceive unequal treatment by the court system. It was also the case, however, that the majority of both probation and DYS youth, regardless of their race, felt that they personally were treated fairly by the courts. In general, youth on probation and those in DYS were quite similar in how they perceived the treatment of juveniles by the police and the court system.

Finally, the vast majority of DYS youth across all racial groups felt that DYS staff treated some kids better than others. Half of these felt that DYS staff treat minority and White youth differently, with a general consensus across all racial groups that staff treat youth of the same race better than others. Despite this evidence of disparate treatment by DYS staff, the majority of African-American, Latino/Hispanic, and White youth felt that they personally had been treated fairly by DYS staff. In fact, the majority of DYS respondents felt that their stay at DYS has been either somewhat or very helpful to them, with African-American and Latino/Hispanic youth more likely than Whites to characterize their time in DYS as somewhat helpful.

ANALYSES OF DYS DETENTION DATA

A statistical analysis of 1993 DYS detention data for 1,117 juveniles detained overnight was conducted in order to examine the relationship between a set of predictor variables (which included age at detention, gender, race/ethnicity, and offense) and two dependent variables, which were placement during detention and placement after detention in either nonsecure or secure facilities. Results indicated that:

- The vast majority of those detained were held in secure facilities.
- A higher proportion of females were placed in secure facilities *during* detention than males.
- A greater proportion of African-American and Latino/Hispanic males were placed in secure facilities *during* detention than White males.
- Placement rates in secure facilities *after* detention were about 20% lower than placement rates *during* detention in each racial/ethnic group.
- The probability of being assigned to a secure placement *during* detention was strongly influenced by the type of offense. Males arrested for weapon offenses, drug offenses, crimes against person, and larceny were considerably more likely to be placed in a secure facility than those arrested for less serious offenses (e.g., motor vehicle).

- The effects of the type and seriousness of the offense did not alter the racial and ethnic disparities found for secure placements, as African-American and Latino/Hispanic males were more likely to receive a secure placement *during* detention than White males.
- Placement *after* detention is affected by both the offense type and by the type of placement *during* detention. Defendants assigned to secure settings *during* detention were more likely to receive secure placements *after* detention than those who had been in nonsecure facilities.

In summary, racially-discriminatory decisions made during detention are likely to persist and be reflected in post-detention placement decisions. Furthermore, secure placements are higher for minorities than Whites even after adjusting for the type of offense.

ANALYSES OF COURT DATA ON JUVENILES ADJUDICATED DELINQUENT

An analysis of 1,213 cases of youth adjudicated delinquent during 1993 was conducted in order to examine the relationship between a set of predictor variables (characteristics about the juvenile, including age, severity of current offense, weapon use, previous probation/DYS commitments, prior probation violations and/or defaults) and the adjudication decision. The purpose of these analyses was to determine the extent to which racial and ethnic disparities in delinquency rates were affected by other characteristics of the juvenile and their offense.

Analyses indicated that:

- A greater proportion of both African-American and Latino/Hispanic males were adjudicated delinquent than White males; African-American females were adjudicated delinquent at a higher rate than Latina or Whites females who had identical rates of being adjudicated delinquent.
- The likelihood of being adjudicated delinquent was strongly influenced by the severity of the current offense, court defaults for the offense, and a prior record of probation or DYS commitment.
- The adjudication of delinquency increased with age for males but decreased with age for females.
- Adjusting for current offense and prior record had little effect on racial/ethnic differences in delinquency rates for males, but greatly reduced racial disparities among females.

It should be noted that none of the racial or ethnic differences in delinquency among offenders of either gender were statistically significant.

ANALYSIS OF DYS COMMITMENT DATA

An analysis was performed of DYS commitment data for 474 male juveniles committed to DYS in 1993 who had hearings and placement decisions completed by July 25, 1995.

- The majority (62%) of males were assigned to secure treatment facilities, with the remainder rejected, escalated, diverted, or waived.
- Rates of assignment to secure facilities were slightly higher for African-Americans and Latinos/Hispanics than for Whites.
- An analysis was conducted to determine whether assignment rates to secure facilities were influenced by factors other than race or ethnicity, such as the juvenile's: age, type of offense, family status (intact two-parent family), services received, and number of recommitments to DYS.
- Analyses indicated that assignment to secure treatment occurred more often for those with prior DYS commitments and those on probation, but less often for those convicted of weapons-related offenses.
- There were no statistically significant differences by race or ethnicity in the probability that a juvenile was assigned to secure treatment after adjusting for age, type of offense, family status, services received, and number of recommitments to DYS.
- An analysis of the number of days juveniles were held in DYS custody showed that African-American and Latino/Hispanic juveniles averaged one month less time spent in secure custody than Whites, although this difference was not statistically significant.
- The only factor which affected the length of time in custody was the age of the juvenile, as older juveniles spent considerably less time in custody than younger juveniles.

In short, the racial and ethnic disparities which were evident in the DYS detention data did not hold after adjusting for other factors in the DYS commitment data base.

CONCLUSIONS

There are five major conclusions that emerge from the results and findings that are presented in this report. First, minority practitioners clearly view the issue of disparate treatment of minority juveniles through a different set of lenses than White practitioners. In short, the majority of practitioners within the juvenile justice system, including police officers, probation officers, prosecutors, judges, and DYS staff, were more likely to perceive that there is equal treatment of minority and White youth at each stage of the juvenile justice system. By race, however, practitioners of color were less likely to perceive that minority youth were treated as equally and fairly as White youth in the juvenile justice system. Minority practitioners were more likely than White practitioners, on average, to have perceived or witnessed disparate or unequal treatment of minority youth when compared to White youth at all levels of the juvenile justice. The fact that minority practitioners "see bias and unequal treatment" of youth of color, whereas White practitioners do not see it, may influence the manner in which professionals of color versus Whites choose to handle situations and make decisions from the point of arrest to that of sentencing. It raises the specter of unequal treatment of youth based on a practitioner's race, whether the practitioner is a police officer, prosecutor, judge, or DYS official.

Second, while both minority and White youth on probation and in DYS custody reported during interviews disparate treatment based on race at each level of the system, it was said to especially characterize the behavior and actions of police officers. Minority youth were particularly likely to say that the police were overly aggressive, harassing, and racist in their actions toward them. This finding is consistent with previous research reviewed earlier which found that the initial encounters between the police and youth of color – before and at the point of arrest and detention – are central toward understanding how race matters in the disproportionality equation. Ironically, the majority of police officers in our practitioner survey said that they had received cultural sensitivity training, while youth overwhelmingly viewed them as engaging in stereotyping and being culturally insensitive. Given that arrest and detention have been described as the "crucial stage that fuels disproportionality through the rest of the system," it is imperative that strategies be developed toward bridging relations between youth of color and the police. While community policing may represent one such strategy, it is clear that additional steps need to be taken toward reaching a "common ground" so that interactions between youth and police are improved. As a result, it may be possible to prevent unwarranted arrest and detention that results from poor communication between police and youth.

Third, analyses of court data on juveniles adjudicated delinquent revealed that minority juveniles were more likely to be adjudicated delinquent than White juveniles, a finding consistent with the research literature and Stage 1 findings. Except for White and Latina females having identical rates of being found delinquent, racial and ethnic differences in delinquency rates held for both sexes. Legal variables (severity of current offense, court defaults, and a prior record) strongly influenced the probability of being adjudicated delinquent. However, adjusting for these same legal variables did not reduce the racial disparities in delinquency rates for males but strongly reduced disparities in delinquency rates for females. Clearly, legal variables figure prominently in the adjudication decision for

females but not for males, as minority females must have had more serious legal histories than White females.

These results lend some credence to the view that "extra-legal" factors (such as race, class, family background, or situational factors at the time of the arrest) may play a central role in the likelihood of being found delinquent. However, they are difficult to reconcile with the fact that this would only be true for males and not for females. Moreover, the fact that none of the racial or ethnic differences in delinquency rates among offenders of either gender were statistically significant means that one can not conclude that extra-legal factors were or were not considered in the adjudication process. For example, the differences in delinquency rates between minorities and Whites were less than ten percent on average after adjusting for legal factors. Of course, given the poor quality of court data, it may be that other unmeasured or unverified "extra-legal" variables help explain the racial disparities in delinquency rates for male juveniles. For the present, however, one can only conclude that the courts are basing their delinquency adjudication decisions largely on appropriate legal and criminal history variables.

Fourth, similar to the delinquency rates discussed above, minority youth had higher rates of placement in secure detention both during and after detention than Whites did (although the placement rates after detention were lower for all males than during detention). Similarly, the legal variable "type of offense" strongly influenced the likelihood of being assigned to secure placement during detention. Offense type and type of placement during detention also influenced the type of placement after detention with youth in secure placement before detention more likely to receive a secure placement after detention. Despite this, adjusting for the influence of "offense type" did not alter the racial disparities which were evident in secure placements both during and after detention.

An interpretation of this finding is, once again, somewhat difficult since legal factors are clearly important in explaining placement into secure detention but not important enough to account for the observed racial disparities. This might, once again, lead some to conclude that "extra-legal" factors are at work and the juvenile justice system is operating in a biased fashion toward minority youth. As was the case with the adjudication of delinquency, however, there were no statistically significant differences between racial groups in placement in secure detention. We cannot rule out the possibility that these were more or less random differences in rates.

Finally, as was the case with detention decisions, minority youth in DYS custody had slightly higher rates of assignment to secure treatment settings than Whites. However, DYS appears to be making decisions on assigning youth to secure treatment based on appropriate factors, namely, prior DYS commitments and probation. Adjusting for these factors resulted in no statistically significant differences by race or ethnicity in the probability of being assigned to secure treatment. Moreover, minority youth actually spent less time in DYS custody on average than White youth, which further indicates that youth of color are not treated in an unequal or disparate manner when compared to Whites.

In summary, our analyses of delinquency rates, detention data, and commitment data does not provide significant empirical evidence that the juvenile justice system operates in a biased or

differential manner toward youth of color. Although some (unexamined) "extra-legal" factors may help explain the higher rates of delinquency, detention, and assignment to secure treatment among minority youth, in general, it would appear that these decisions were informed by the consideration of appropriate and legitimate criminal history and legal variables.

At the same time, we have uncovered substantial evidence of overrepresentation of minority youth at each stage of the juvenile justice system. Moreover, the results from the statistical analyses are at odds with the sentiments expressed by many of the minority practitioners and youth who were surveyed and interviewed in our study who generally perceived the system to be operating in an unequal fashion toward youth of color. In the last section of this report, we discuss the implications of these results for addressing the issue of disproportionate confinement and treatment of minority juveniles.

RECOMMENDATIONS

The Stage 1 Identification Phase of the Disproportionate Minority Confinement Analysis found substantial evidence of the overrepresentation of minority youth at each level of the juvenile justice system. The Stage 2 Assessment Phase did not produce empirical support that this overrepresentation was attributable to "system bias" against youth of color or other extra-legal factors. Rather, decisions made with respect to delinquency adjudication, detention, and commitment appear to have been informed by the consideration of appropriate legal and criminal history variables. Moreover, there were no statistically significant differences in delinquency rates, detention, and commitment to secure treatment between minority juveniles and white juveniles. One can not conclude, however, whether "extra-legal" factors were or were not considered in the adjudication, detention, and commitment decisions made by system decision-makers.

This does not, however, necessarily mean that "all is right" with the juvenile justice system. First, the fact that minority juveniles are greatly overrepresented at all is very troubling even if this overrepresentation appears to be related primarily to legal and criminal history variables. Second, a discrepancy in perceptions between minority and white practitioners about the extent to which there is disparate treatment in the system raises important concerns about the extent to which justice is dispensed equally and consistently. Finally, the numerous allegations of abuse, harassment, and bias in how the police handle youth was frequently noted by both a majority of our youth interviewees.

In light of the above, we offer the following draft recommendations for consideration by the Executive Office of Public Safety and the Juvenile Justice Advisory Committee. We look forward to the opportunity to have a dialogue with both groups to review the study results, conclusions, and recommendations as a precursor toward the eventual formulation, implementation, and monitoring of remedial strategies for addressing the problem of disproportionate confinement of minority juveniles.

DEVOTE INCREASED ATTENTION TOWARD THE ROLE OF THE POLICE IN THE ARREST AND DETENTION DECISION

The initial encounters between youth and police resulting in arrest and detention have been characterized as crucial toward understanding how "race matters in the disproportionality equation" and the "crucial stage which fuels disproportionality in later stages of the system." Except for our survey of system practitioners and interviews with youth, this study was not designed to systematically examine police-youth interactions both before and at the point of arrest. There is clearly a need for additional research to address "how and why" communication so frequently breaks down between youth of color and police officers.

We recommend that a study be commissioned by the Executive Office of Public Safety to examine the nature of police-youth interactions and how this may contribute to the problem of disproportionate treatment and confinement.

COMMUNITY FORUMS ON POLICE–YOUTH INTERACTIONS

One mechanism for learning more about the nature of police-youth interactions would be to hold community forums on "neutral turf" where the police, youth of color, community residents, civic leaders and juvenile justice system professionals can have an open exchange of ideas about "what is wrong" and "how to fix it." Clearly, cultural sensitivity training is important but has not proven sufficient in the amelioration of police-youth based on our study results.

There is no shortage of willing and able individuals from the community and all sides of the issue who could be instrumental in bringing both adversaries and allies "to the table" for an open exchange of ideas. These groups might include: civic, business, and religious leaders; directors of anti-violence, anti-gang, and other prevention programs; sports figures; media figures; and, leaders from government.

We recommend that the Juvenile Justice Advisory Committee play a central role in establishing a number of community forums across the state at which the topic of police-youth interactions is addressed as a preliminary step toward the formulation of strategies for improving those interactions.

IMPROVE THE QUALITY OF JUVENILE JUSTICE SYSTEM DATA AND ESTABLISH A CLIENT TRACKING SYSTEM

A frequently encountered problem in our research was the poor and inconsistent quality of juvenile justice system data at each level of the system. For example, Juvenile Intake Probation Forms were often only partially completed or the information recorded was of dubious validity. In particular, information on social and family characteristics was usually missing or difficult to interpret from the intake officer's notes. There was wide variation in the quality of data across counties and courts within counties. For example, one major court within Suffolk County always had the police arrest report in the juvenile's folder while another large court within the same county rarely did. While we fully understand the tremendous time and resource constraints facing intake officers and court staff, this information should be given increased attention as it is an essential part of the youth's overall history with the potential to inform the disposition decision.

The problem of inconsistent data also relates to a need to obtain a full understanding of factors accounting for minority overrepresentation in the juvenile justice system. As discussed previously, there may be important factors (legal and extra-legal) which are related to disproportionate confinement and treatment but which were not examined in the present study due to their absence from the juvenile record. Moreover, the "fragmentation" of the juvenile justice system's record-keeping practices means that it is impossible to track cases through the different levels of the system. Multiple folders with different pieces of information may exist on the same youth at different courts the youth has appeared before. As a result, decision-makers are frequently operating with incomplete information that reflects only part of the history of each youth.

We offer two recommendations with respect to data quality issues. First, the Juvenile Justice Advisory Committee should form a subcommittee to address the problem of poor data quality within the juvenile justice system. Second, this subcommittee should work with representatives from each level of the juvenile justice system (police, probation, courts, and DYS) and the state Criminal History Systems Board to establish an automated Uniform Client Tracking System which would provide for comprehensive social, familial, legal, and juvenile criminal history information on each juvenile processed through the system from the point of arrest to the point of commitment.

INCREASE THE PRESENCE OF BI-LINGUAL STAFF WITHIN THE DEPARTMENT OF YOUTH SERVICES

The absence of bi-lingual staff was a problem frequently identified by Latino/Hispanic youth in our interviews. The absence of Spanish-speaking staff was said to lead to problems of communication and impair the rehabilitative potential of the DYS stay. Youth complained about not being allowed (by staff) to speak Spanish to family members during visits or telephone calls home. While DYS no doubt sees this as a matter of security, it should not be a condoned practice when the native language represents the only tie between the youth and significant others.

We recommend that DYS staff address issues surrounding cultural awareness and sensitivity among its staff members and take steps to increase the presence of Spanish speaking staff in its secure detention and treatment programs.

INVESTIGATE CONDITIONS OF CONFINEMENT OF DETAINED AND COMMITTED YOUTH

While allegations of verbal and physical abuse by incarcerated persons are always difficult to substantiate, nor was that a primary objective of this study, the treatment of youth in confinement is definitely an important aspect of the disparity debate. We would therefore be remiss if we did not call to attention the numerous complaints registered by youth of all races when discussing verbal and physical abuse experienced at the hands of the police and DYS staff. Youth of all races identified numerous instances in which they personally experienced or witnessed physical violence, unwarranted restraints, and verbal intimidation. For youth of color, this abuse often took the form of racial or ethnic slurs. In addition to the youth themselves, we heard from a number of parents of youth confined in DYS during the process of obtaining informed consent about physical beatings, confiscation of personal property, and acts of intimidation.

We recommend that the Juvenile Justice Advisory Committee form a subcommittee to investigate the conditions of confinement of youth detained and confined in secure and nonsecure facilities.

CONVENE A SYMPOSIUM TO DISCUSS RESULTS OF THE DMC ANALYSIS

The results of the Disproportionate Minority Confinement Analysis will be subject to considerable debate and different interpretations. On the one hand, there will be those who view the overrepresentation of minority youth documented in this study as problematic irrespective of its causes. Others will point to the importance of legal variables in the delinquency, detention, and commitment rates and argue that the juvenile justice system is operating in a manner free of racial or ethnic bias. Still others will argue that there are a variety of other factors unexamined in this study which may account for overrepresentation. Clearly, our system practitioners differed along racial and ethnic lines in the extent to which they perceive or witnessed disparate treatment and processing of minority youth.

We recommend that the Executive Office of Public Safety and the Juvenile Justice Advisory Committee convene a day-long symposium in which system practitioners, researchers, government officials, and community leaders meet to discuss the findings and results of the Disproportionate Minority Confinement Analysis. The proceedings of this symposium could be used as a further tool by the JJAC as it contemplates the development, implementation, and monitoring of strategies for reducing the overrepresentation of minority youth at each stage of the juvenile justice system.

DEVOTE INCREASED RESOURCES TO ADDRESSING THE PROBLEM OF NON-COMPLIANCE WITH JUVENILE LOCK-UP LEGISLATION

In accordance with Section 223 (a) (114) of the Federal Juvenile Justice and Delinquency Prevention Act of 1974, police departments are not to detain juveniles, following arrest, in police stations or town lockups, which also detain adults, for more than six hours for an alleged delinquency offense. The Act also protects status offenders from being detained in any type of locked area. In the first phase of the DMC Analysis, we undertook an analysis of incidents of non-compliance with this legislation versus compliance by race, county, and statewide during 1993. We found that non-compliance with juvenile lock-up legislation continues to remain a problem, statewide, across counties and by race. The statewide rate of noncompliance was 33% for minority youth and 38% for white youth. In some counties, the rate of non-compliance was as high as 73% for minority youth.

We recommend that the Executive Office of Public Safety and Juvenile Justice Advisory Committee establish a subcommittee to address the reasons for the persistent problem of non-compliance with lock-up legislation across police departments throughout the state. Based upon its findings, the subcommittee should identify remedial strategies for reducing and eliminating the unacceptably high rates of non-compliance with the law.

DEVELOP A STANDARDIZED OBJECTIVE CLASSIFICATION INSTRUMENT FOR MAKING LOCK-UP/DETENTION DECISIONS

Since African Americans and Latino/Hispanics were well overrepresented at both the lock-up and detention stage, a standardized objective classification instrument should be developed and implemented to ensure greater consistency, validity, and reliability in lock-up/detention decision making. While this will reduce the amount of subjective discretion available to decision makers in arriving at decisions, it will also ensure greater equity among cases so that similar cases are treated in a similar fashion.

We recommend that the Executive Office of Public Safety and Juvenile Justice Advisory Committee formulate a committee that will be responsible for identifying important factors that are essential when deciding to lock-up or detain youth. After classification factors are considered, they should be incorporated into a standardized instrument that will be used throughout the state.

REFERENCES

Austin, J., J. Simas, and D. Steinhart (1991). The Overrepresentation of Minority Youth in California's Secure Facilities. Report submitted to the California State Advisory Group on Juvenile Justice and the California Office Criminal Justice Planning. San Francisco: National Council on Crime and Delinquency.

Bachman, J.G., G. Swayzer, I.D. Wirtanen (1978). Youth in Transition, Volume VI: Adolescence to Adulthood: Change and Stability in the Lives of Young Men. University of Michigan, Institute for Social Research.

Bishop, D.M. and C.E. Frazier (1990). A Study of Race and Juvenile Processing in Florida. Reported submitted to the Florida Supreme Court Racial and Ethnic Bias Study Commission.

Commission to Study Racial and Ethnic Bias in the Courts (1994). Equal Justice: Eliminating the Barriers. Boston, MA: Massachusetts Supreme Judicial Court.

Conley, D. J. (1994). "Adding Color to a Black and White Picture: Using Qualitative Data to Explain Racial Disproportionality in the Juvenile Justice System." Journal of Research in Crime and Delinquency. 31:135-148.

Elliott, D.S. and H.L. Voss (1974). Delinquency and Dropout. Lexington, MA.

Gold, M. and D.J. Reimer (1975). "Changing Patterns of Delinquent Behavior Among Americans 13-16 Years Old-1972. Crime and Delinquency 7.

Hartstone, E. and D. Richitelli (1995). "Minority Overrepresentation in Connecticut's Juvenile Justice System." Hartford, CT: Spectrum Associates Market Research, Inc.

Huizinga, D. and D.S. Elliott (1987). "Juvenile Offenders: Prevalence, Offender Incidence and Arrest Rates by Race. Crime and Delinquency, Special Issue: Minority Youth Incarceration. Sage Publications.

Kempf, K.L. (1992). The Role of Race in Juvenile Processing in Pennsylvania. Prepared for The Center for Juvenile Justice Training and Research, Shippensburg University, Shippensburg, Pennsylvania.

Kempf, K.L., S.H. Decker and R.L. Bing (1980). An Analysis of Apparent Disparities in the Handling of Black Youth within Missouri's Juvenile Justice System. Department of Administration of Justice, University of Missouri, St. Louis.

Krisberg, B. et al. (1987). "The Incarceration of Minority Youth." Crime and Delinquency. Special Issue: Minority Youth Incarceration. Sage Publications.

Leiber, M.J. (1993). The Disproportionate Overrepresentation of Minority Youth in Secure Facilities: A Survey of Decision Makers and Delinquents. Department of Sociology and Anthropology, University of Northern Iowa. Report submitted to the Iowa Office of Criminal Justice and Juvenile Justice Planning.

Lockhart, L.L., P.D. Kurtz, R. Stephen, and K. Gauger (1990). Georgia's Juvenile Justice System: A Retrospective Investigation of Racial Disparity. Research report to the Georgia Juvenile Justice Coordinating Council: Part I of the Racial Disparity Investigation, School of Social Work, University of Georgia.

National Council of Juvenile and Family Court Judges (1990). Minority Youth in the Juvenile Justice System: A Judicial Response. Juvenile & Family Court Journal, Volume 41, No. 3A.

Oregon Community Children & Youth Services Commission (1993). Overrepresentation of Minority Youth in Oregon's Juvenile Justice System: Recent Findings. Salem, Oregon.

Pivlian, I. and S. Briar (1964). "Police Encounters with Juveniles." American Journal of Sociology. 70:206-214.

Pope, C.E. and W. Feyerherm (1992). Minorities and the Juvenile Justice System. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Pope, C.E. and W. Feyerherm (1993). Minorities and the Juvenile Justice System: Research Summary. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Snyder, Howard, N. and Melissa Sickmund (1995). Juvenile offenders and victims: A National Report. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Williams, J.R. and M. Gold (1972). "From Delinquent Behavior to Official Delinquency." Social Problems, 20.

Wordes, M., T.S. Bynum, and C.J. Corley (1994). "Locking up Youth: The Impact of Race on Detention Decisions." Journal of Research in Crime and Delinquency. 31:149-165.

APPENDIX A

Survey of Practitioners

MINORITY DISPROPORTIONATE CONFINEMENT STUDY

INTERVIEW QUESTIONNAIRE

This survey is being conducted for the Commonwealth of Massachusetts Executive Office of Public Safety by Social Science Research and Evaluation, Inc. of Burlington, MA. The survey is part of a larger study mandated of all states under the 1988 amendment to the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974. The 1988 amendment to the JJDPA required each state to evaluate and address the problem of overrepresentation of minority youth in secure facilities. Every state must address this problem through formal analysis in order to be eligible for full allocation of federal dollars.

Police Officers, Probation Officers, Prosecutors, Juvenile Judges, and Department of Youth Services staff and administrators are asked to participate in this study. The survey consists of questions that help explore your experiences and procedures when handling juveniles. The questionnaire will only take about 15 minutes to complete. Your answers to this survey will be kept strictly confidential and anonymous. Only the researchers will know the names of the respondents. The results of this survey will be presented in such a way that no respondents can ever be identified. You may refuse to answer any questions you want but we hope that you will try to answer as many as possible in order to assist the state in addressing the problem of minority overrepresentation in the juvenile justice system. Thank you!

I. BACKGROUND

What is your occupation? (check one)

- ☐ *Police Officer*
- ☐ *Probation Officer*
- ☐ *Prosecutor*
- ☐ *Judge*
- ☐ *Department of Youth Services Staff*

Approximately what percentage of your caseload do you think consists of working with juveniles?

_____ *PERCENT*

How long have you been working with juveniles?

_____ *YEARS*

4. Approximately what percentage of your caseload do you think consists of minority youth?

_____ PERCENT

5. In which county do you currently work? (check *one*)

- ☐ Berkshire County
☐ Hampden County
☐ Middlesex County
☐ Suffolk County
☐ Worcester County
☐ Other (please specify) _____

6. Have you completed coursework or received training in child psychology, human development, or human behavior? (check *one*)

- ☐ No
☐ Yes

7. Have you had cultural sensitivity training in your professional capacity to work with members of minority groups? (check *one*)

- ☐ No
☐ Yes

II. TREATMENT OF JUVENILES & THEIR FAMILIES

This section asks you to candidly describe your feelings about the treatment of juveniles and their families involved in the Juvenile Justice System in Massachusetts. The following questions ask specific information about behaviors you have *observed* or *experienced* in your professional capacity in the past 5 years. If you have not had the opportunity to observe whether a particular behavior has occurred, please check the "No Basis for Opinion" box for your response. Please check the box that best corresponds to your answer.

8. Do you think that racial/ethnic jokes or demeaning comments are made about minority juveniles: (check *one*)

- ☐ less often than white juveniles
☐ equally often as white juveniles
☐ more often than white juveniles
☐ No basis for opinion

9. **Do you think that minority youth and their families typically receive: (check one)**

- ☐ *much less respect than white youth and their families*
- ☐ *somewhat less respect than white youth and their families*
- ☐ *the same amount of respect as white youth and their families*
- ☐ *somewhat more respect than white youth and their families*
- ☐ *much more respect than white youth and their families*
- ☐ *No basis for opinion*

10. **How often do you think minority juveniles are addressed in a patronizing manner? (check one)**

- ☐ *less often than white juveniles*
- ☐ *equally often as white juveniles*
- ☐ *more often than white juveniles*
- ☐ *No basis for opinion*

11. **Do you think police officers are usually: (check one)**

- ☐ *less courteous to minority juveniles than white juveniles*
- ☐ *equally courteous to minority and white juveniles*
- ☐ *more courteous to minority juveniles than white juveniles*
- ☐ *No basis for opinion*

12. **Do you think prosecutors are usually: (check one)**

- ☐ *less courteous to minority juveniles than white juveniles*
- ☐ *equally courteous to minority and white juveniles*
- ☐ *more courteous to minority juveniles than white juveniles*
- ☐ *No basis for opinion*

13. **Do you think judges are usually: (check one)**

- ☐ *less courteous to minority juveniles than white juveniles*
- ☐ *equally courteous to minority and white juveniles*
- ☐ *more courteous to minority juveniles than white juveniles*
- ☐ *No basis for opinion*

14. Do you think probation officers are usually: (check one)

- ☐ *less courteous to minority juveniles than white juveniles*
- ☐ *equally courteous to minority and white juveniles*
- ☐ *more courteous to minority juveniles than white juveniles*
- ☐ *No basis for opinion*

15. Do you think D.Y.S. officials are usually: (check one)

- ☐ *less courteous to minority juveniles than white juveniles*
- ☐ *equally courteous to minority and white juveniles*
- ☐ *more courteous to minority juveniles than white juveniles*
- ☐ *No basis for opinion*

16. How often is higher bail set for minority juveniles than for white juveniles accused of similar crimes? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

17. When minority juveniles and white juveniles commit similar crimes, minority juveniles are held on bail: (check one)

- ☐ *less often than white juveniles*
- ☐ *equally often as white juveniles*
- ☐ *more often than white juveniles*
- ☐ *No basis for opinion*

18. How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is white? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

19. How often is a criminal case regarded by a prosecutor as "winnable" if the youthful offender is a *minority*? (check one)

<input type="checkbox"/>	<i>Never</i>
<input type="checkbox"/>	<i>Seldom</i>
<input type="checkbox"/>	<i>Sometimes</i>
<input type="checkbox"/>	<i>Often</i>
<input type="checkbox"/>	<i>Always</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

20. Do you think prosecutors overcharge minority juveniles: (check one)

<input type="checkbox"/>	<i>less often than white juveniles</i>
<input type="checkbox"/>	<i>equally often as white juveniles</i>
<input type="checkbox"/>	<i>more often than white juveniles</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

21. With regard to criminal justice processing, do you think that minority juveniles receive: (check one)

<input type="checkbox"/>	<i>less severe processing than white juveniles</i>
<input type="checkbox"/>	<i>equal processing as white juveniles</i>
<input type="checkbox"/>	<i>more severe processing than white juveniles</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

22. Do you think that minority juveniles usually receive: (check one)

<input type="checkbox"/>	<i>less severe punishment than white juveniles</i>
<input type="checkbox"/>	<i>equal punishment as white juveniles</i>
<input type="checkbox"/>	<i>more severe punishment than white juveniles</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

23. How often is detainment after arrest longer for *minority* juveniles than for white juveniles accused of similar crimes? (check one)

<input type="checkbox"/>	<i>Never</i>
<input type="checkbox"/>	<i>Seldom</i>
<input type="checkbox"/>	<i>Sometimes</i>
<input type="checkbox"/>	<i>Often</i>
<input type="checkbox"/>	<i>Always</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

24. Do you think that the legal representation that minority juveniles receive is usually: (check one)

- ☐ *worse than that of white juveniles*
- ☐ *equal to that of white juveniles*
- ☐ *better than that of white juveniles*
- ☐ *No basis for opinion*

25. Do you think that minority juveniles whose parents are professionals usually receive treatment by system practitioners that is: (check one)

- ☐ *less lenient than that of white juveniles whose parents are professionals*
- ☐ *equal to that of white juveniles whose parents are professionals*
- ☐ *more lenient than that of white juveniles whose parents are professionals*
- ☐ *No basis for opinion*

26. How often is a case involving a minority juvenile heard in a courtroom in which most of the professionals are white? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

27. How often do minority juveniles receive longer sentences than white juveniles, when both are convicted of the same exact crime? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

28. How often do you think convicted minority juveniles are placed in secure facilities compared to convicted white juveniles? (check one)

- ☐ *less often than white juveniles*
- ☐ *equally often as white juveniles*
- ☐ *more often than white juveniles*
- ☐ *No basis for opinion*

29. Do you think minority juveniles commit:

- ☐ *less serious crimes than white juveniles*
- ☐ *the same types of crimes as white juveniles*
- ☐ *more serious crimes than white juveniles*
- ☐ *No basis for opinion*

30. How often do you fear minority youth more than white youth? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

31. Do you think minority youth are more threatening to society in general than their white counterpart? (check one)

- ☐ *Never*
- ☐ *Seldom*
- ☐ *Sometimes*
- ☐ *Often*
- ☐ *Always*
- ☐ *No basis for opinion*

32. Do you feel that minority youth are treated worse than white youth in the juvenile justice system? (check *one*)

<input type="checkbox"/>	<i>Never</i>
<input type="checkbox"/>	<i>Seldom</i>
<input type="checkbox"/>	<i>Sometimes</i>
<input type="checkbox"/>	<i>Often</i>
<input type="checkbox"/>	<i>Always</i>
<input type="checkbox"/>	<i>No basis for opinion</i>

III. DEMOGRAPHICS

33. What is your age?

_____ YEARS

34. What is your gender? (check *one*)

<input type="checkbox"/>	<i>Male</i>
<input type="checkbox"/>	<i>Female</i>

35. Which of the following best describes you? (check *one*)

<input type="checkbox"/>	<i>Asian/Pacific Islander</i>
<input type="checkbox"/>	<i>Black/African-American</i>
<input type="checkbox"/>	<i>Hispanic/Latino</i>
<input type="checkbox"/>	<i>Native American/American Indian</i>
<input type="checkbox"/>	<i>White/Caucasian</i>
<input type="checkbox"/>	<i>Other (please specify):</i> _____

36. What language(s), other than English, can you speak fluently? (check *all* that apply)

<input type="checkbox"/>	<i>Creole</i>
<input type="checkbox"/>	<i>French</i>
<input type="checkbox"/>	<i>Portuguese</i>
<input type="checkbox"/>	<i>Spanish</i>
<input type="checkbox"/>	<i>Other (please specify):</i> _____

37. Which best characterizes your education/professional training? (check one)

- ☐ *Less than High School*
- ☐ *High School Diploma/GED*
- ☐ *Associates Degree/completed some college*
- ☐ *Bachelor's Degree*
- ☐ *Master's Degree*
- ☐ *Juris Doctorate*
- ☐ *Other Doctorate*

38. In your professional capacity, are you assigned to work only with juveniles or with all age groups? (check one)

- ☐ *Juvenile population only*
- ☐ *All age groups*

39. Which of the following best describes your philosophical orientation? (check one)

- ☐ *Liberal*
- ☐ *Moderate*
- ☐ *Conservative*

What is your marital status? (check one)

- ☐ *Single/Never Married*
- ☐ *Married*
- ☐ *Separated*
- ☐ *Divorced*
- ☐ *Widowed*

Which type of community best characterizes the neighborhood where you grew up? (check one)

- ☐ *Urban community*
- ☐ *Suburban community*
- ☐ *Rural Community*

THANK YOU FOR YOUR PARTICIPATION

APPENDIX B

Cover Letter for Survey of Practitioners



The Commonwealth of Massachusetts
Executive Office of Public Safety
Programs Division
100 Cambridge Street, Room 2100
Boston, Massachusetts 02202

William F. Weld
Governor

Kathleen M. O'Toole
Secretary

(617) 727-6300

January 12, 1996

Dear Colleague:

In accordance with Section 223 (a) (23) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Executive Office of Public Safety (EOPS), Programs Division is currently assessing the extent of disproportionate confinement of minority youth in the juvenile justice system. In response to this mandate, EOPS has initiated a research effort by contracting with Social Science Research and Evaluation, Inc. (SSRE) of Burlington to examine the issue of system processing of youth. SSRE staff have developed a questionnaire that explores your experiences and procedures when handling juveniles.

Please respond to each question to the best of your knowledge and return the completed questionnaires by February 16, 1996 to:

Marc Berube
Social Science Research and Evaluation, Inc.
121 Middlesex Turnpike
Burlington, MA 01803

On behalf of the Executive Office of Public Safety and the Governor's Juvenile Justice Advisory Committee, I want to express my appreciation for your anticipated support and assistance in completing this study.

If you have any questions about the purpose of the questionnaire or the study, please feel free to contact Lynn Wright, EOPS' Juvenile Justice Specialist, at 617-727-6300 x319. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, reading "Jonathan M. Petuchowski".

Jonathan M. Petuchowski
Executive Director

APPENDIX C

Probation Interview Guide

JUVENILE PROBATION INTERVIEW

1. Date: ____/____/____

2. Youth ID #: _____

3. Date of Birth: ____/____/____

4. Gender:

☐
☐

Male

Female

5. Date placed on probation: ____/____/____

6. Termination date of probation: ____/____/____

7. Race:

☐
☐
☐
☐
☐

African-American

Asian

Hispanic

White

Other

Town/City of Residence: _____

Severity of current governing offense: (*Refer to Table A: Offense Severity Scale*)

☐
☐
☐
☐
☐

Low

Low Moderate

Moderate

High Moderate

High

POLICE: At this time I would like to ask you about your experiences with the police.

10. Would you say that police officers.

- ☐ *treat all kids they stop the same. (Skip to Question 12)*
☐ *treat some kids better than others.*
☐ *Don't know (Skip to Question 12)*

11. What types of kids are treated better and what types of kids are treated worse?

12. Do you feel that the police officers you have dealt with:

- ☐ *were fair in how they treated you. (Skip to Question 14)*
☐ *were not fair in how they treated you.*
☐ *Don't know (Skip to Question 14)*

13. How were they unfair to you? What did they do to you?

JUVENILE COURT

Note for interviewer: Complete all sections of question 14 (a-d). If, on any of these items, the respondent reveals that *any or all* court employee(s) treat some kids better than others, go to Question 15; otherwise, skip to Question 16.

14a. Would you say that *probation officers*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

14b. Would you say that *lawyers*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

14c. Would you say that *prosecutors*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

14d. Would you say that *judges*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

Reminder for interviewer: If on any of the above items (14a-14d), the respondent revealed that *any or all* court employee(s) treat some kids better than others go to Question 15, otherwise skip to Question 16.

**15. What types of kids are treated better and what types of kids are treated worse?
Are some types of court staff more unfair than others? How so?**

16. Do you feel that the *court staff*:

- ☐ *were fair in how they treated you. (Skip to Question 18)*
☐ *were not fair in how they treated you.*
☐ *Don't know (Skip to Question 18)*

17. How were they unfair? What type of court staff(s) was unfair to you?

RACE SPECIFIC QUESTIONS

At this point of the interview we are going to ask you a series of questions about whether you think the juvenile justice system treats African-American, Hispanic, Asian, and White youth the same or differently. Questions will be first asked about police, and then the courts.

POLICE

18. Generally, would you say that the police usually treat African-American, Asian, Hispanic, and White juveniles the same or differently?

- ☐ *The same (Skip to Question 23)*
☐ *Differently*
☐ *Don't know (Skip to Question 23)*

19. Who do you think gets treated the *best* by the police? Would you say:

- ☐ *African-American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *Don't know (Skip to Question 21)*

20. Why do you think they get treated the *best*? How do they get treated better?

21. Who do you feel gets treated the *worst* by the police? Would you say:

- ☐ *African-American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *Don't know (Skip to Question 23)*

22. Why do think they get treated the worst by the police? How do they get treated worse?

23. Generally, do you think that police officers are most likely to arrest:

- ☐ *African-American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *One's race does not matter*
- ☐ *Don't know*

24. Who do you feel police are more likely to detain for longer periods of time after arrest? (check only one)

- ☐ *African-American youth*
- ☐ *Asian youth*
- ☐ *Hispanic youth*
- ☐ *White youth*
- ☐ *One's race does not matter. (Skip to Question 26)*
- ☐ *Don't know (Skip to Question 26)*

25. Why do you feel this way?

COURTS

26. Generally, would you say that the courts usually treat African-American, Asian, Hispanic, and White juveniles the same or differently?

- ☐ *The same (Skip to Question 31)*
- ☐ *Differently*
- ☐ *Don't know (Skip to Question 31)*

27. Who do you think gets treated the *best* by the courts? Would you say:

- ☐ *African-American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *Don't know (Skip to Question 29)*

28. Why do you think they get treated the *best*? How do they get treated better? What type of court people treat them better?

29. Who do you feel gets treated the *worst* by the courts? Would you say:

- ☐ *African-American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *Don't know (Skip to Question 31)*

30. Why do think they get treated the *worst* by the courts? How do they get treated worse? What type of court people treat them worse?

31. Overall, would you say that the courts give more severe placements and punishments to:

- ☐ *African-American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *One's race does not matter.*
☐ *Don't know*

32. For whom do you feel judges are more likely to set higher bail when similar offenses are committed? (check only one)

- ☐ *African-American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *One's race does not matter.*
- ☐ *Don't know*

33. Why do you feel this way?

34. Is there anything else you would like to add that was not covered in this interview?

APPENDIX D

DYS Interview Guide

JUVENILE DYS INTERVIEW

1. **Date:** / /
2. **Youth ID #:**
3. **Date of Birth:** / /
4. **Gender:**

Male
Female

5. **Date of Admission to DYS:** ____/____/____
6. **Projected Release Date:** ____/____/____
7. **Race:**

- ☐ *African American*
- ☐ *Asian*
- ☐ *Hispanic*
- ☐ *White*
- ☐ *Other*

8. Town/City of Residence: _____
9. Severity of current governing offense: _____

	<i>Low</i>
	<i>Low Moderate</i>
	<i>Moderate</i>
	<i>High Moderate</i>
	<i>High</i>

- 10. Type of Facility:**

☐ *Non-Secure*
☐ *Secure*

- 11. How long have you been at DYS? (record as months) _____ MONTHS**

12. How would you rate your stay at DYS?

- ☐ *Very Harmful*
- ☐ *Somewhat Harmful*
- ☐ *Neither Harmful nor Helpful*
- ☐ *Somewhat Helpful*
- ☐ *Very Helpful*

13. How has DYS harmed/helped you?

14. Would you say that DYS staff:

- ☐ *treat all kids the same. (Skip to Question 16)*
- ☐ *treat some kids better than others.*
- ☐ *Don't know (Skip to Question 16)*

15. What types of kids are treated better and what types of kids are treated worse?

16. Do you feel that DYS staff:

- ☐ *have been fair in how they treat you. (Skip to Question 18)*
- ☐ *have not been fair in how they treat you.*
- ☐ *Don't know (Skip to Question 18)*

17. How have they been unfair to you? Which type of staff treat you like this (i.e. security custodial, caseworkers, administrators)?

POLICE: At this time I would like to ask you about your experiences with the police.

18. Would you say that police officers:

<input type="checkbox"/>	<i>treat all kids they stop the same. (Skip to Question 20)</i>
<input type="checkbox"/>	<i>treat some kids better than others.</i>
<input type="checkbox"/>	<i>Don't know (Skip to Question 20)</i>

19. What types of kids are treated better and what types of kids are treated worse?

20. Do you feel that the police officers you have dealt with:

<input type="checkbox"/>	<i>were fair in how they treated you. (Skip to Question 22)</i>
<input type="checkbox"/>	<i>were not fair in how they treated you.</i>
<input type="checkbox"/>	<i>Don't know (Skip to Question 22)</i>

21. How were they unfair to you? What did they do to you?

JUVENILE COURT

Note for interviewer: Complete all sections of question 22 (a-d). If on any of these items, the respondent reveals that *any or all* court employee(s) treat some kids better than others go to Question 23, otherwise skip to Question 24.

22a. Would you say that *probation officers*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

22b. Would you say that *lawyers*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

22c. Would you say that *prosecutors*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

22d. Would you say that *judges*:

- ☐ *treat all kids the same.*
- ☐ *treat some kids better than others.*
- ☐ *Don't know*

Reminder for interviewer: If on any of the above items (22a-22d), the respondent revealed that *any or all* court employee(s) treat some kids better than others go to Question 23, otherwise skip to Question 24.

**23. What types of kids are treated better and what types of kids are treated worse?
Are some types of court staff more unfair than others? How so?**

24. Do you feel that the court *staff*

- ☐ *were fair in how they treated you. (Skip to Question 26)*
- ☐ *were not fair in how they treated you.*
- ☐ *Don't know (Skip to Question 26)*

25. How were they unfair? What type of court staff(s) was unfair to you?

RACE SPECIFIC QUESTIONS

At this point of the interview we are going to ask you a series of questions about whether you think the juvenile justice system treats African American, Hispanic, Asian, and White youth the same or differently. Questions will be first asked about DYS, then the police, and then the courts.

26. Generally, would you say that DYS staff usually treat African American, Asian, Hispanic, and White juveniles the same or differently?

- ☐ *The same (Skip to Question 31)*
- ☐ *Differently*
- ☐ *Don't know (Skip to Question 31)*

27. Who do you think gets treated the *best* by DYS staff? Would you say:

- ☐ *African American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *Don't know (Skip to Question 29)*

28. Why do you think that they get treated better than others? How do they get treated better? What type of staff treats them better?

29. Who do you think gets treated the *worst* by DYS staff? Would you say:

- ☐ *African American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *Don't know (Skip to Question 31)*

30. Why do you think they get treated the worst? How do they get treated worse? What type of staff treats them worse?

31. Who do you feel DYS officials are more likely to place in *secure* correctional facilities? (check only one)

- ☐ *African-American youth*
☐ *Asian youth*
☐ *Hispanic youth*
☐ *White youth*
☐ *One's race does not matter. (Skip to Question 35)*
☐ *Don't Know (Skip to Question 35)*

32. Why do you feel this way?

33. Who do you feel DYS officials are more likely to place in *non-secure* correctional facilities? (check only one)

- ☐ *African-American youth*
- ☐ *Asian youth*
- ☐ *Hispanic youth*
- ☐ *White youth*
- ☐ *One's race does not matter. (Skip to Question 35)*
- ☐ *Don't Know (Skip to Question 35)*

34. Why do you feel this way?

POLICE

35. Generally, would you say that the police usually treat African American, Asian, Hispanic, and White juveniles the same or differently?

- ☐ *The same (Skip to Question 40)*
- ☐ *Differently*
- ☐ *Don't know (Skip to Question 40)*

36. Who do you think gets treated the *best* by the police? Would you say:

- ☐ *African American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *Don't know (Skip to Question 38)*

37. Why do you think they get treated the *best*? How do they get treated better?

38. Who do you feel gets treated the *worst* by the police? Would you say:

- ☐ *African American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *Don't know (Skip to Question 40)*

39. Why do think they get treated the worst by the police? How do they get treated worse?

40. Generally, do you think that police officers are most likely to arrest:

- ☐ *African American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *One's race does not matter*
- ☐ *Don't know*

41. Who do you feel police are more likely to detain for longer periods of time after arrest? (check only one)

- ☐ African American youth
- ☐ Asian youth
- ☐ Hispanic youth
- ☐ White youth
- ☐ One's race does not matter. (Skip to Question 43)
- ☐ Don't know (Skip to Question 43)

42. Why do you feel this way?

COURTS

43. Generally, would you say that the courts usually treat African American, Asian, Hispanic, and White juveniles the same or differently?

- ☐ The same (Skip to Question 48)
- ☐ Differently
- ☐ Don't know (Skip to Question 48)

44. Who do you think gets treated the *best* by the courts? Would you say:

- ☐ African American Youth
- ☐ Asian Youth
- ☐ Hispanic Youth
- ☐ White Youth
- ☐ Don't know (Skip to Question 46)

45. Why do you think they get treated the *best*? How do they get treated better?
What type of court people treat them better?

46. Who do you feel gets treated the *worst* by the courts? Would you say:

- ☐ *African American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *Don't know (Skip to Question 48)*

47. Why do think they get treated the *worst* by the courts? How do they get treated worse? What type of court people treat them worse?

48. Overall, would you say that the courts give more severe placements and punishments to:

- ☐ *African American Youth*
☐ *Asian Youth*
☐ *Hispanic Youth*
☐ *White Youth*
☐ *One's race does not matter*
☐ *Don't know*

49. For whom do you feel judges are more likely to set higher bail when similar offenses are committed? (check only one)

- ☐ *African American Youth*
- ☐ *Asian Youth*
- ☐ *Hispanic Youth*
- ☐ *White Youth*
- ☐ *One's race does not matter.*
- ☐ *Don't know*

50. Why do you feel this way?

51. Is there anything else you would like to add that was not covered in this interview?

APPENDIX E

Cover Letter and Informed Consent Form for Probation Juveniles

SOCIAL SCIENCE RESEARCH & EVALUATION, INC.
121 MIDDLESEX TURNPIKE
BURLINGTON, MA 01803
617-270-6613

Dear Parent/Guardian:

Your cooperation is being sought as part of a research study to determine how young people involved in the state's juvenile justice system feel they have been treated by police, courts, and/or the Department of Youth Services. The purpose of the study is to ensure that young people who come into contact with any part of the juvenile justice system receive fair and just treatment. If this proves to be untrue, the researchers will make recommendations for solving the problem.

The study is funded by the Commonwealth of Massachusetts Executive Office of Public Safety. The study is required by the federal Office of Juvenile Justice and Delinquency Prevention Programs. The study is being conducted by researchers from Social Science Research and Evaluation, Inc., a private research firm in Burlington, Massachusetts.

As part of this study, we would like to ask your son some questions about his experiences with the juvenile justice system. We are specifically interested in finding out if he feels he is being treated fairly by the system. The answers to our interview questions are strictly confidential and anonymous. No names or other personal identifying information will be used in our interviews and only the researcher will know which juveniles were involved in the study. The answers and results will be presented in such a way that no respondent can ever be identified. Your son may refuse to answer any question asked and he may withdraw from the interview at any time. Each youth who completes the interview will receive a cash payment of \$10.00.

All of these safeguards are detailed in the attached **Informed Consent Form** which we would like you to review and sign if you would like your son to be interviewed. If you have any questions before you sign this form, please call Dr. Michael W. Forcier at (617) 270-6613. After you have read and fully understand the attached form, please sign and print your name with today's date before you allow us to interview your son.

Sincerely,



Michael W. Forcier, Ph.D.
Senior Research Scientist

INFORMED CONSENT FORM

Dear Parent/Guardian:

We are asking for your help in a study to learn more about the state's juvenile justice system and how the police, courts, and Department of Youth Services treat juvenile offenders. The purpose of this study is to make certain that all juveniles who come into contact with the police, courts, and DYS receive fair and just treatment. If this proves to be untrue, the researchers will recommend how the problem can be solved.

This study is being conducted by researchers from Social Science Research and Evaluation, Inc., a private research firm in Burlington, MA. The study is funded by the Massachusetts Executive Office of Public Safety

As part of this study we would like to ask your son about his experiences with the juvenile justice system. Throughout this conversation, a number of questions will be asked. These questions will help determine if your son thinks he has been treated fairly by the system. For answering all of the questions your son will receive a payment of \$10.00.

The interview is anonymous and your son's answers will remain strictly confidential. We will never connect any of the information we collect from your son with his name. Only the researcher will know which juveniles were involved in the study. Also, the results of this study will be presented in such a way that no respondents can ever be identified. Your son may refuse to answer any question he is asked and may withdraw from the study at any time. However, if he withdraws, he will not receive the \$10.00 payment.

If you have any questions before you sign this form, please call Dr. Michael Forcier at (617) 270-6613. After you read and fully understand this form, please print and sign your name below with today's date before you allow us to interview your son. Thank you.

Parent/Guardian Name (Print): _____ Date: _____

Parent/Guardian Name (Sign): _____ Date: _____

APPENDIX F

Cover Letter and Informed Consent Form for DYS Juveniles

SOCIAL SCIENCE RESEARCH & EVALUATION, INC.
121 MIDDLESEX TURNPIKE
BURLINGTON, MA 01803
617-270-6613

January 26, 1996

Dear Parent/Guardian:

Your cooperation is being sought as part of a research study to determine how young people involved in the state's juvenile justice system feel they have been treated by police, courts, and/or the Department of Youth Services. The purpose of the study is to ensure that young people who come into contact with any part of the juvenile justice system receive fair and just treatment. If this proves to be untrue, the researchers will make recommendations for solving the problem.

The study is funded by the Commonwealth of Massachusetts Executive Office of Public Safety. The study is required by the federal Office of Juvenile Justice and Delinquency Prevention Programs. The study is being conducted by researchers from Social Science Research and Evaluation, Inc., a private research firm in Burlington, Massachusetts.

As part of this study, we would like to ask your son some questions about his experiences with the juvenile justice system. We are specifically interested in finding out if he feels he is being treated fairly by the system. The answers to our interview questions are strictly confidential and anonymous. No names or other personal identifying information will be used in our interviews and only the researcher will know which juveniles were involved in the study. The answers and results will be presented in such a way that no respondent can ever be identified. Your son may refuse to answer any question asked and he may withdraw from the interview at any time.

All of these safeguards are detailed in the attached **Informed Consent Form** which we would like you to review and sign if you would like your son to be interviewed. If you have any questions before you sign this form, please call Dr. Michael W. Forcier at (617) 270-6613. After you have read and fully understand the attached form, please sign and print your name with today's date before you allow us to interview your son. If you grant us permission to conduct this interview, we will be contacting your son within the next four weeks. Thank you.

Sincerely,

Michael W. Forcier

Michael W. Forcier, Ph.D.
Senior Research Scientist

INFORMED CONSENT FORM

Dear Parent/Guardian:

We are asking for your help in a study to learn more about the state's juvenile justice system and how the police, courts, and Department of Youth Services treat juvenile offenders. The purpose of this study is to make certain that all juveniles who come into contact with the police, courts, and DYS receive fair and just treatment. If this proves to be untrue, the researchers will recommend how the problem can be solved.

This study is being conducted by Social Science Research and Evaluation, Inc., a private research firm in Burlington, MA. The study is funded by the Massachusetts Executive Office of Public Safety.

As part of this study we would like to ask your son a number of questions about his experiences with the juvenile justice system. These questions will help determine if your son thinks he has been treated fairly by the system. For answering all of the questions your son will receive a payment of \$10.00.

The interview is anonymous and your son's answers will remain strictly confidential. We will never connect any of the information we collect from your son with his name, and his responses will have no bearing on his DYS status. The results of this study will be presented in such a way that no respondents can ever be identified. Your son may refuse to answer any question he is asked and may withdraw from the study at any time. However, if he withdraws, he will not receive the \$10.00 payment.

If you have any questions before you sign this form, please call Dr. Michael Forcier at (617) 270-6613. After you read and fully understand this form, please print and sign your name below with today's date before you allow us to interview your son. After you print and sign your name, please enclose this form in the self addressed stamped envelope provided and mail it before **February 15, 1996**. Thank you in advance for your cooperation.

Parent/Guardian Name (Print): _____ Date: _____

Parent/Guardian Name (Sign): _____ Date: _____

APPENDIX G

Offense Severity Table

OFFENSE SEVERITY SCALE

LOW	LOW MODERATE	MODERATE	HIGH MODERATE	HIGH
Abuse Prevention	Att to Com Crime 274 6	Assault and Assault and Battery	A & B DW Victim Over 65	Aggravated Rape
Bribery	Being Present where Narcotic Drugs Illegally Kept	Assault D.W. gt. 65 15B a	Accessory to Before/After Fact Armed Robbery	Armed Assault with Intent Rob or Murder, Victim Over 65
Cocaine 14-27 grams	Burglary	Assault not Before Mentioned	Arson	Armed Assaults in Dwelling Houses
Cocaine 28-99 grams	Class D - First	Assaults with Intent to Rob Steal not being Armed	Assault and Battery with Dangerous Weapon	Assault on Female under Sixteen with Intent to Commit Rape
Common and Notorious Thief	Compounding/Conceal-ing	Breaking and Entering (D/T or N/T w/ int. to commit felony)	Assault by Means of a Dangerous Weapon	Assault with Intent to Commit Murder
Common Night Walker	Felonies 268 36	Burglary, Being Armed or Making an Assault	Class A Repeat Offense	Assault with Intent to Commit Rape
Common Receiver of Stolen Goods	Controlled Substance Class D	Class B PCP or Cocaine	Class A Recipient Under 18	Assault with Intent to Commit Rape
Contempt of Court	Controlled Substance Class E	Class C First Offense	Class B Repeat Offense	Assault with Intent to Commit Rape
Cruelty to Animals	Environmental Offenses	Class D - Repeat	Class B Recipient under 18	Assaults with Intent to Rob
Deriving Support from Prostitute	Incest	Cocaine 100-199 grams	Class B Repeat Offense	Attempted Murder
Disturbing the Peace	Indecent Exposure	Cocaine Recipient Under 18	Class C Repeat Offense	Confining or Putting in Fear a Person for the Purpose of Stealing
Drunkenness	Inducing Another to Violate Narcotic Drug Law	Controlled Substance	Class C Repeat Offense	Indecent Assault and Battery on Child under 14
False Alarm of Fire	Larceny from the Person	Controlled Substance Class A	Cocaine 200+ grams	Indecent Assault and Battery on a Person over 14
Forgery and Uttering	Larceny Person Over 65	Controlled Substance Class B	Conspiracy to Violate Controlled Substance Act	Indecent Assault and Battery on a Mentally Retarded Victim
Fraud	Malicious or Wanton Injuries to Property	Controlled Substance Class C	Escapes	Kidnapping
Gaming	Operating a Motor Vehicle	Defacing F/A 26911C	Exploitation of minors in Sale + Dist of Drugs	Marijuana 2000-9999 lbs.
Heroin 28-99 grams	Under Influence of Narcotics	Extortion	Heroin 200+ grams	Marijuana 10000 - lbs.
Illegitimacy	Possession of Burglary Implement	Habitual Criminal	Manslaughter	Mayhem
Larceny	Resisting Arrest	Heroin 100-199 grams	Marijuana 100-1999 lbs.	Murder, 1st degree
Leaving the Scene	Sodomy and Buggery	Marijuana 50-99 lbs.	Possession of Narcotic Drugs with Intent to Sell	Murder, 2nd degree
Loan Sharking/USURY		Open and Gross Lewdness, Lewdness, Child Pornography	Possession w.i. School Zone	Rape
Minor in Possession of Alcohol		Other Pornography or Obscenities	Violation of Restraining Order (209A)	Rape of Child
Motor Vehicle Offenses		Possession of Heroin	Weapon Offenses	Rape of Female Under Sale of Heroin
Nonsupport		Possession of Hypodermic Syringe		Sale of Narcotic Drugs to a Person under 16
Operating a Motor Vehicle		Possession of Narcotic Drugs		
Under the Influence of Alcohol		Stalking		
Other Sex Offenses		Stealing Narcotic Drug		
Polygamy		Theft of Controlled Substance		
Prostitution		Unarmed Robbery		
Receiving Stolen Goods R.S.G.		Unarmed Robbery Victim > 65		
Stealing		Unnatural Acts with Child < 16		
Stubborn Child		Unnatural and Lascivious Acts		
Theft of a Motor Vehicle		Use of F/A Com. Fel 265 18B		
Trespassing		Uttering False Prescription 2nd Offense		
Unlawful Possession of Alcohol		Weapons Violation		
Use Without Authority				
Vagrancy (Loitering)				
Violation of Civil Rights				

APPENDIX H

Open-Ended Responses Provided by Probation Juveniles

OPEN ENDED RESPONSES PROVIDED BY PROBATION JUVENILES

The following responses were taken directly from the interviews about the *police*:

(White Male) Many police officers are white so they treat their own better. They handle the white kids differently, they might be more physically aggressive with Blacks and Hispanics.

(White Male) Cops are racist!

(White Female) The cops told me not to hang around with kids from other towns who were "not white" and "from bad areas".

(White Female) Whites treated better because Blacks are labeled and blamed. More lenient with whites.

(White Male) Movies about cops beating up Blacks; Rodney King.

(White Male) Most of the cops are white around here, so whites are treated better.

(White Male) Hispanics are more known to be punks, known more to be street kids. If police officer looked at a Hispanic youth he'd be more apt to look for as much as he could to find on that kid as opposed to other youths.

(Latina/Hispanic Female) Police think that if your black or hispanic your automatically in a gang or steal.

(Latina/Hispanic Female) They hit my sister (she got into a fight at the YMCA). She couldn't calm down so they slapped her on the face. They aren't supposed to search or pat down girls and a male cop patted me down.

(Latina/Hispanic Female) I got arrested for a petty charge - vandalism. If it was a white kid they would have gotten off. Depends on race of cop. If a cop is white and sees a black or hispanic doing the littlest thing they will arrest them.

(Latina/Hispanic Female) If you see a group of white kids sitting somewhere they (cops) don't stop. But if you see a group of blacks and hispanics the cops stop and harass them. They search them for weapons and drugs.

(Latino/Hispanic Male) They threw me on the ground and hit me.

(Latino/Hispanic Male) Cop punched me in the stomach because he said I was being wise. They called me a little _____ in spic.

(Latino/Hispanic Male) Police celebrate when they arrest people - its like a game. The more they arrest the better they think they are.

(Latino/Hispanic Male) Black and hispanics are harassed more often whereas white kids are rarely bothered.

(Latino/Hispanic Male) I used to get in fights with whites and I would get arrested and they wouldn't.

(Latina/Hispanic Female) I've seen cops put a gun to my seven year old brother's head to get information.

(African-American Female) Police assume all Blacks and Hispanic youth are involved in gangs and tend to harass them frequently. The Blacks and Hispanics are more likely to be physically abused than white youths.

(African-American Male) Cops always beat blacks, I only see black people getting arrested.

(African-American Female) There are more white cops than blacks and white cops do not know how to handle and talk to black kids - they (white cops) are always on the defense.

(African-American Male) Cops are more respectful to whites. Cops tend to see whites as innocent. Whites will get second chances whereas blacks won't.

(African-American Male) When they handcuffed me they put them on too tight, my hand was cut. They had a snobby attitude with me. If I said something they said shut up and they always cut me off. Told me and the other kid in the cruiser to shut the _____ up!

(African-American Male) Police officers bent my leg back and punched me. I was verbally and physically abused by a white officer while a black officer stood by and let the white officer beat me up.

(African-American Male) I think cops need to sign a contract to prevent crookedness.

(African-American Male) The police brought my arm back so far (while handcuffing) they dislocated my left shoulder.

(African-American Male) Police think all black kids are up to something no good and tend to stop and harass them more than white kids.

(African-American Male) I can't sit on my porch without getting harassed by the cops.

The following responses were taken directly from the interviews about the *courts*:

treat white juveniles better and give them less of a sentence

(White Male) Judges want to put minorities away because they are more of a threat to society.

(Latina/Hispanic Female) African-American and Hispanic youth usually get worse sentences.

(Latino/Hispanic Male) Prosecutors are always trying to sink you in the system.

(Latino/Hispanic Male) White kids are treated better. Hispanic kids are treated worse than blacks and whites.

(Latina/Hispanic Female) Prosecutors and judges treat whites better because they really don't do anything wrong. In some cases whites do commit serious crimes, but judges and prosecutors still treat them better and let them off.

(Latina/Hispanic Female) The newspaper plays blacks as being bad. If one black does it the courts assume all blacks do it.

(African-American Male) Judges are biased when dealing with blacks. They feel whatever they are charged with they did it. They receive longer sentences or more community hours.

(African-American Male) If black kid is in for murder and white kid is in for murder they are treated differently. Black kid they try to stick it to you whereas white kid they try to bring the charge down. If Eddie O'Brien was black they would of tried him as an adult.

(African-American Female) I got called an idiot by the judge.

(African-American Male) If a white kid and black kid are charged with the same crime, chances are the white kid will receive no punishment but the black kid will receive some time.

(African-American Male) Blacks are guilty until proven innocent when it should be innocent until proven guilty.

(African-American Male) Courts feel white people are better off than minorities.

(African-American Male) White kids are treated better than blacks, hispanics and Asians.

APPENDIX I

Open-Ended Responses Provided by DYS Juveniles

OPEN ENDED RESPONSES PROVIDED BY DYS JUVENILES

The following responses were taken directly from the interviews about the *police*:

(African-American male) One day after school some kids got in a fight. I was standing there when the cops arrived and they immediately searched me and all the other minority kids, not the whites. They searched me for no reason, I wasn't even in the fight.

(African-American male) Whites are treated better because they dress proper, whereas blacks wear baggy cloths and are always getting searched. If you live in the hood you will get searched, whereas if you live in a nice area you won't. Appearance has a lot to do if you are going to get stopped.

(White male) Police don't want minorities around here so they arrest them and put them in jail. Cops think that whites were here first and it should stay that way.

(African-American male) One time cops arrested me for drugs when I didn't even have them on me. The drugs were around the area I was hanging, but not on me. I wouldn't doubt it if the cops planted them there. In court the cop that arrested me lied on the stand and the court caught him in his lies and he started to laugh.. He said he arrested me with speaker wire, drugs, and a huge knife. On the way out of the court he told me he would get me the next time. I hate cops!

(African-American male) Police think that all blacks are drug dealers, carrying guns, and are up to no good. They search us all the time for nothing. You could be walking home from school with a book bag and they would stop and search your bag. One time police said they had reasonable suspicion to search me for a gun. I saw them coming and didn't even run. Common sense would tell you if I had a gun I would run. They searched me and found nothing. Sometimes they search you three or four times in the same day. They tell you if they see you around here again they will arrest you. Where do they want me to go its where I live. (Incident happened in front of his house).

(African-American male) Police are quick to draw and aim their guns at a black person. They think blacks are the criminals and they are intimidated by blacks so we are locked up more frequently.

(Cape Verdian female) Hispanics and blacks are treated the worse by police. Hispanics because of the language barrier between them and police, and blacks because of their stereotype. For example if a black kid has a beeper police automatically assumes that the youth is selling drugs.

(White male) Whites are treated better than minorities by police because society sees minorities as a threat to society. People are constantly hearing about minorities getting in trouble, therefore they assume that all minorities are up to no good. There is definitely a negative stereotype associated with minorities by police.

(Latino/Hispanic male) The police put the gun to my head, dropped me on the floor and threw me around the car.

(Latino/Hispanic male) One time the cops yelled and swore at me. I got thrown up against a car and they didn't read me my rights - or my two brothers either.

(African-American male) Whites are treated better than hispanics and blacks by police because they really aren't in gangs like blacks and hispanics are.

(African-American male) If I'm in a predominantly white community hanging out cops automatically stop and search me.

(Latino/Hispanic male) When I'm out at night with my brother, we get pulled over and they keep us there for awhile and question us. You'll see a group of white kids walk by and the cops will pass right by them.

(Latino/Hispanic male) I got arrested by the police for sticking up for my boy. The cop assaulted my friend - punched him in the stomach and dragged him on the floor. I tried to stop the cops from beating down my boy and they arrested me for disorderly conduct.

(White female) Asians are treated the worst by police because they look more suspicious.

(White female) Police are rough with everybody. They do whatever they want. They hit me in the face and stomach. Swearing is without saying. (inner city youth)

(Latino/Hispanic male) Cops think that whites are goodie to shoes. They always cut them slack. Cops think that blacks and hispanics are always involved in negative activities. They don't like the clothes we wear. They don't let us express ourselves.

(Latino/Hispanic male) When the cops arrested me they choked and threatened me. They told me that I was going to do big time now - in the big house with a nice big roommate.

(Latino/Hispanic male) Whites are perceived as innocent, not a threat. Whites are able to sneak away from the police. Cops treat blacks and hispanics the worst because of their stereotypes. They see us as a threat to society. Police think if your black or hispanic your in a gang.

(White Portuguese male) Whites are treated better by the police because of the environment they live in (nice neighborhoods). Minorities are treated the worse because they live in bad areas (projects).

(African-American male) Whites are treated better by police because most cops are white. Blacks are treated the worst because they say racial comments to us. For example: When they arrest you they say move your black ass over there boy (when they want you to move).

(African-American male) Cops are constantly coming around harassing and threatening us.

They grab us for no reason and search us without a warrant.

(Latino/Hispanic male) Hispanics and blacks are treated the worst by the police. They don't care about our rights. Society thinks that minorities are animals in the free world, therefore they must lock them up.

(White female) Cops call blacks and hispanics trash, tell them their no good and they shouldn't be here. Most cops are white.

(White male) Cops are fair around my area (rural), but from what I hear in other areas, minorities are treated pretty bad.

(White male) Rich kids are treated better by the police, whereas kids that live in bad neighborhoods are always getting stopped by the cops for questioning.

(White male) Cops were really rough with me. Cops put the cuffs on real hard. They always twist them and make them tighter. When they put me in the cruiser they would tell me to watch my head and then they would push me real fast in the car and make me hit my head. Walking into the station they would always bump me into walls with the cuffs on. They would always swear and yell at me.

(White male) Police are always harassing me and telling me that I am going down. They search me without a warrant all the time. Whenever, they see me they automatically pat me down. (This youth lives in the inner city)

(African-American male) Me and two other black guys and one white guy were arrested for disorderly conduct. The blacks were held while the white guy was set free. The blacks had to have their parents pick them up. The white guy was allowed to go free on his own recognizance.

(African-American male) White kids are treated better by the police and are not harassed by white officers.

(African-American male) Police harass me constantly They made me strip search in front of everyone.

(African-American male) Blacks are blamed for everything. If a crime is committed and the police have no suspects they will blame it on a black man real fast.

(White female) Some cops are racist. Cops beat up Puerto Ricans and Camobians all the time. Whites are treated better because most cops are white.

The following responses were taken directly from the interviews about the *courts*:

(White male) My court appointed lawyer lied to me. He said he was going to commit me to DYS and I would be out in a month when I turned 17. I turned seventeen last June and I am

still in DYS. He never told me that DYS had the discretion of determining how long I would be committed for.

(Latino/Hispanic male) Me, two black dudes, and a white dude were all at a court that was in a white community. The white dude was in for beating his girl, being drunk, stealing a car, and violating a restraining order. The DA took the white dude upstairs and cut a deal for him (probation). A black or hispanic dude would never get a deal in this court because all the court staff in this area are white. I was held on \$10,000 bail, while the black dudes were detained also for similar offenses as the white dude. I think it was the court's way of trying to tell us to stay out of this area.

(Latino/Hispanic male) When I was in court they never told me what was going to happen to me. My mom wanted to ask questions - my mom doesn't speak or understand English well, and they wouldn't tell her anything. I had a court appointed lawyer. They never told
- what's

(White female) Black kids are treated the worst by the courts because the court people think that blacks are always starting the trouble. Black parents are usually bad, and most black people come from bad areas. Courts think that they aren't gonna do anything good so they lock them up.

(White male) Judges are more likely to set higher bail for blacks accused of similar crimes as opposed to whites because people look at them as a violent race.

(Latino/Hispanic male) In _____, the court was all white. I was the only person of color. A white kid with the same charges went home with his mother. For me they made bail \$10,000. When I got the money they raised the bail.

(African-American male) When I was in _____ court, I saw a white and black kid with the same offense (stolen car). Black kid got locked up, white kid got let go. Its just the way it is.

(Latino/Hispanic male) Judges set higher bail for blacks and hispanics because they don't want us back in the ghetto. They see as a threat to society. They set high bail because they know that our parents can't come up with it.

(African-American male) Whites get treated the best by the courts. Me and a white kid were both at court the same time. The white kid was placed in the new cell and I was put in the old cell. He also got food and I didn't.

(Latino/Hispanic male) When I was in court a black kid was in with me for similar charges. Black kid got 30 days, I got 7 to 9 months. Black kid had black caseworker.

(African-American male) I was in court for car jacking with a replica handgun I got \$10,000 bail. A white dude was in for car jacking with a real handgun his bail was only \$1,000.

(White male) White youth are treated better than minorities by the courts because they come in better dressed.

(White female) One time me and my friend got caught with drugs. We both got caught with the same amount at the same time and I got a month of community service and he got 2 years in jail. The reason he got more is because he was Puerto Rican.

(White male) Blacks are treated the worst by the courts because of the way they come in dressed, the way they talk and sound. Blacks are also always coming back to court and judges don't like that.

(African-American male) Blacks are more likely to be arrested, found guilty and sentenced.

(African-American male) If a black man was caught for murder and no fingerprints or anything to link him to the murder, chances are he will be found guilty. If a white person on the otherhand same thing he would be cleared of all wrong doing.

(African-American male) The court set my bail for one million dollars. I read up on my bail and it was not reasonable. My bail has been the highest in history. I've seen white kids get lower bail for murder than blacks.

(African-American male) Judges set higher bail for blacks because they want to keep them locked up as a way of keeping the streets clean and free of crime.

(African-American male) My bail was set at one million dollars and a white kid with the same charge (murder) his bail was set at \$50,000. Both of us were from _____.

(African-American male) Society is threatened by blacks and the only way to handle them is to lock them up when they break the law, no matter if it's their first offense.

(African-American male) The police do not want blacks on the streets. They feel if one black kid is bad then the whole race is bad, therefore should be locked up.

(African-American male) My bail was \$900,000 and a white kid with the same exact crime his bail was set at \$300,000.

The following responses were taken directly from the interviews about the *DYS*:

(Cape Verdan female) Girls that are from Boston and Springfield are treated the worse by DYS. Most staff here perceive urban areas as dangerous. Girls from rural and suburban areas are treated better by DYS staff.

(White male) Because of my offense (sex offense) DYS staff would take points and privileges away from me when I would play wrestle with other residents. The residents that I would play wrestle with wouldn't lose any points. This happened about 5 to 6 times.

(Cape Verdan female) There are two girls here that were co-defendants for the same exact offense. One is black and the other is white. The black girl got more time than the white girl for the same exact offense.

(Cape Verdan female) In this secure facility all the white girls are in here for petty crimes, whereas the blacks are in for serious crimes.

(Latino/Hispanic male) If DYS staff at this program see two or more hispanics sitting together, they automatically separate them because they think we are devising a plan of attack or they see us as a gang. Two hispanics can never room together in this place, but they put two whites and two blacks together in the same room. At this program they don't have any Spanish staff. Staff doesn't allow us to speak Spanish because they say they can't understand us. They have no respect for our culture. I have to write a paper just to watch the Spanish station. My mother only speaks Spanish and when I call her on the telephone they don't let me speak Spanish, therefore I am unable to communicate with her.

(Latino/Hispanic male) Spanish kids get treated the worse here by staff because only one Spanish staff person works here. When Spanish staff person is around white staff is cool, but when Spanish staff person isn't around white staff bust my balls. It's not all of them, but most of them. White staff don't understand where us hispanics come from.

(Latino/Hispanic male) I don't eat seafood and staff makes me eat it. There is a white kid in here who doesn't eat seafood, but they give him something else to eat. Staff also gives me less time in the shower than other residents.

(White male) Asians are treated the worse by DYS staff. I had a friend in my evaluation unit that was Cambodian and staff always made fun of how he talked and acted.

(White male) I would like to see less violence by DYS staff. When I was in evaluation I saw a kid get a black eye from staff for doing something very minor. Staff are rough when restraining youth. If you complain about it they say come on take it like a man. They restrain you by a drop of a hat - from getting a coke when your not supposed to, too getting in a fight.

(Latino/Hispanic male) Whites get treated the best at DYS. At night staff would take them to the cafeteria buy them things and let them stay up late. Staff thinks that all minorities are in gangs and are punks. I have Asian friends that have no chance when they get locked up.

(White male) DYS staff says racial slurs about minorities all the time. Most of the staff here are white, therefore whites are treated better.

(African-American male) Hispanics are treated the worse by DYS staff because of language barrier - a lot of hispanics in the system can't speak English therefore they are harassed, picked on etc. A lot of staff speak Spanish, but they are all on the same shift.

(African-American male) If the system was more willing to work with hispanic kids they

would be better off. They should put more time into understanding from where these kids are coming from and respecting their culture.

(Latino/Hispanic male) DYS staff should learn how to better restrain a resident without hurting them. They broke my nose, scarred my face and left shoulder when restraining me. My mother has pictures to prove this.

(African-American male) DYS staff give whites second chances whereas we don't.

(White male) DYS staff get in my face and call me a faggot, a _____ing pussy, and a wimp because of my charge (Rape). When I was taking a shower one of the kids said I was looking at him and I wasn't. When I am in the showers with others, staff yell out my charge to other residents and they would laugh and tell me to clean my ass. When staff restrain me they laugh about it and talk about how they roughed me up to others. One staff person told me the reason he likes his job is to restrain people.

(White male) DYS staff at this program treat minority residents better because most of the staff here are minorities. Only two or three are white. Same race equals fair or better treatment.

(White male) Sex offenders are treated the worst by DYS. A lot of time we go last for showers. Staff should learn how to properly restrain youth and other staff members should be present when a restraint is taking place.

(White female) DYS staff make fun of how black people talk. All white staff here except for one lady who is half black/half white. No Spanish staff.

(Latino/Hispanic male) Ghetto kids get treated the worst by DYS staff. They harass us, threaten us - they treat us like animals because of our background. They take advantage of their authority over us.

(Latino/Hispanic male) Minorities get treated like garbage by DYS staff. Staff spit in minority residents drinks. We don't get full meals at dinner time and the proper necessities. Verbal abuse a lot - you _____in spic, you _____in black mother _____er etc. Some staff are prejudice. Instead of trying to make us feel good about ourselves they lower our self esteem with these actions and comments.

(Latino/Hispanic male) I don't get listened to. If I bring up an issue it doesn't get resolved. Staff person grabbed my neck for no apparent reason while in time out room and kept on poking me and pushing me. This incident resulted in staff member getting fired. Clinicians, staff, and caseworkers don't listen to my concerns.